

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

DONNA BAHORICH, Houston
Chair of the State Board of Education
District 6

MARTY ROWLEY, Amarillo
Vice Chair of the State Board of
Education
District 15

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

Board Members

LAWRENCE ALLEN, JR., Houston
District 4

PAM LITTLE, Fairview
District 12

BARBARA CARGILL, Conroe
District 8

TOM MAYNARD, Florence
District 10

RUBEN CORTEZ, JR., Brownsville
District 2

SUE MELTON-MALONE, Robinson
District 14

AICHA DAVIS, Dallas
District 13

KEN MERCER, San Antonio
District 5

KEVEN ELLIS, Lufkin
District 9

MARISA PEREZ-DIAZ, Converse
District 3

PATRICIA HARDY, Fort Worth
District 11

MATT ROBINSON, Friendswood
District 7

Committees of the State Board of Education

INSTRUCTION

Sue Melton-Malone, Chair
Pam Little, Vice-Chair
Aicha Davis
Georgina C. Pérez
Marty Rowley

SCHOOL FINANCE/PERMANENT SCHOOL FUND

Tom Maynard, Chair
Lawrence Allen, Jr., Vice-Chair
Donna Bahorich
Patricia Hardy
Ken Mercer

SCHOOL INITIATIVES

Barbara Cargill, Chair
Marisa Perez-Diaz, Vice-Chair
Ruben Cortez, Jr.
Keven Ellis
Matt Robinson

April 3, 2019

State Board of Education
Austin, Texas

I certify that this is the official agenda of the State Board of Education for its meeting on April 3-5, 2019. Agenda items have been prepared and reviewed by Texas Education Agency staff and are presented for the board's discussion and consideration. Where appropriate, I have proposed an action.

Respectfully submitted,

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

Mike Morath
Commissioner of Education

This page has been intentionally left blank.

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

SCHEDULE AND AGENDAS

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

Meeting Times	
April 3-5, 2019	
<u>Wednesday, April 3, 2019</u>	
9:00 am	Committee of the Full Board (Room 1-104)
<u>Thursday, April 4, 2019</u>	
9:00 am	Committee on Instruction (Room 1-100)
9:00 am	Committee on School Finance/Permanent School Fund (Room 1-104)
9:00 am	Committee on School Initiatives (Room 1-111)
<u>Friday, April 5, 2019</u>	
9:00 am	General Meeting (Room 1-104)

If the Committee of the Full Board does not complete its agenda Wednesday, it will resume its meeting in Room 1-104 on Thursday. If the Committee on Instruction does not complete its agenda Thursday, it will resume its meeting in Room 1-100 on Friday. If the Committee on School Finance/Permanent School Fund does not complete its agenda Thursday, it will resume its meeting in Room 1-104 on Friday. If the Committee on School Initiatives does not complete its agenda Thursday, it will resume its meeting in Room 1-111 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.

Agenda is online at http://tea.texas.gov/About_TEA/Leadership/State_Board_of_Education/SBOE_Meetings/State_Board_of_Education_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.

WEDNESDAY
April 3, 2019

9 a.m.

COMMITTEE OF THE FULL BOARD – Room 1-104

Public testimony – Individual testimony will be taken at the time the related item comes up for Committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at https://tea.texas.gov/About_TEA/Leadership/State_Board_of_Education/SBOE_Meetings/SBOE_Operating_Rules_Amended_1-28-19/ or in the information section of the agenda.

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

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. Procedural Action Related to New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.50, Ethnic Studies: Mexican American Studies (One Credit) (Second Reading and Final Adoption)
(Board agenda page I-2)

COMMITTEE – ACTION
SBOE - CONSENT

In order to correct a procedural error made by the Texas Education Agency (TEA), this item presents for second reading and final adoption proposed new 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.50, Ethnic Studies: Mexican American Studies (One Credit). This action would add new Texas Essential Knowledge and Skills (TEKS) for Ethnic Studies: Mexican American Studies as adopted by the SBOE in September 2018 and would allow for implementation of the new course at the beginning of the 2019-2020 school year on the same timeline as the original adoption. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §7.102(c)(4) and §28.002.

COMMITTEE OF THE FULL BOARD (continued)

3. **Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements (Second Reading and Final Adoption) (Board agenda page I-10)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for second reading and final adoption proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements, to update the rules to align with recent changes to the Texas Essential Knowledge and Skills (TEKS) for fine arts and to establish courses to be included in a cybersecurity pathway for the science, technology, engineering, and mathematics (STEM) endorsement. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002, and 28.025.

4. **Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.51, Foundations of Cybersecurity (One Credit), and §126.52, Cybersecurity Capstone (One Credit) (Second Reading and Final Adoption) (Board agenda page I-28)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for second reading and final adoption proposed new 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.51, Foundations of Cybersecurity (One Credit), and §126.52, Cybersecurity Capstone (One Credit). The proposal would add Texas Essential Knowledge and Skills (TEKS) for two new technology applications courses in cybersecurity for implementation in the 2019-2020 school year. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002, and 28.025.

COMMITTEE OF THE FULL BOARD (continued)

5. **Proposed Repeal and New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.36, Digital Forensics (One-Half to One Credit), Beginning with School Year 2012-2013 (First Reading and Filing Authorization) (Board agenda page I-41)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for first reading and filing authorization proposed repeal and new 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.36, Digital Forensics (One-Half to One Credit), Beginning with School Year 2012-2013. The proposed repeal and new rule would update the Texas Essential Knowledge and Skills (TEKS) for the Digital Forensics course and would update the amount of credit available for the course. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), and (f)(2); and 28.025(a), (c-1)(1), and (c-10).

COMMITTEE OF THE FULL BOARD (continued)

6. **Proposed Revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language (First Reading and Filing Authorization)**
(Board agenda page I-45)

COMMITTEE - ACTION
SBOE - ACTION

This item presents for first reading and filing authorization proposed revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter A, Elementary, §§110.1-110.7, Subchapter B, Middle School, §§110.21-110.24, and Subchapter C, High School, §§110.36-110.39, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter A, Elementary, §§128.1-128.7, Subchapter B, Middle School, §§128.20-128.23, and Subchapter C, High School, §128.34 and §128.35, to make adjustments to align with recent revisions to the college and career readiness standards (CCRS) and to make technical adjustments, including the correction of inconsistencies that have been identified. This item also presents for first reading and filing authorization proposed repeal of 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter A, Elementary, §§110.10-110.16, and Subchapter B, Middle School, §§110.17-110.20, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter A, Elementary, §§128.10-128.16, and Subchapter B, Middle School, §128.17 and §128.18. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) adopted to be effective in 2009 for elementary and middle school English and Spanish language arts and reading and related implementation language that will be superseded by new 19 TAC §§110.1-110.7, 110.21-110.24, 128.1-128.7, and 128.20-128.23 beginning with the 2019-2020 school year. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), and (t); and 28.025(a).

COMMITTEE OF THE FULL BOARD (continued)

**7. Perkins V Transition Plan
(Board agenda page I-95)**

**COMMITTEE – ACTION
SBOE – ACTION**

This item provides the opportunity for the committee and the board to hear an update on the reauthorization of federal Perkins funding and approve the transition plan for the state of Texas in compliance with the reauthorization. Statutory authority for this action is the Texas Education Code (TEC), §7.109.

**8. Instructional Materials Quality Evaluation Pilot Review
(Board agenda page I-149)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

This item will provide the board with an update on the progress of the Instructional Materials Quality Evaluation (IMQE) Pilot. Statutory authority for this item is the Texas Education Code (TEC), §31.081 and §31.082.

**9. Ratification of Texas Essential Knowledge and Skills Coverage in Materials Submitted for Review for the Instructional Materials Quality Evaluation Pilot
(Board agenda page I-150)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item gives the board an opportunity to ratify the report from the Texas Essential Knowledge and Skills (TEKS) review committees regarding materials that were submitted for review for the Instructional Materials Evaluation Pilot. This item presents the final report from the commissioner of education regarding the coverage of the TEKS and English Language Proficiency Standards (ELPS). Statutory authority for this action is the Texas Education Code (TEC), §31.081 and §31.082.

COMMITTEE OF THE FULL BOARD (continued)

- 10. Discussion of *Proclamation 2021* of the State Board of Education Advertising for Bids on Instructional Materials**
(Board agenda page I-152)

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

This item provides an opportunity for the State Board of Education (SBOE) to discuss the schedule of events and instructional materials to be included in *Proclamation 2021*. Instructional materials submitted in response to *Proclamation 2021* would be scheduled for adoption by the SBOE in November 2020. Statutory authority for this item is the Texas Education Code (TEC), §31.022.

- 11. Update on Texas Essential Knowledge and Skills (TEKS) Review**
(Board agenda page I-156)

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

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

COMMITTEE OF THE FULL BOARD (continued)

**12. Discussion of Pending Litigation
(Board agenda page I-158)**

**COMMITTEE - DISCUSSION
SBOE – NO ACTION**

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

Cases to be discussed may include:

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

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

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

**THURSDAY
April 4, 2019**

9 a.m.

COMMITTEE ON INSTRUCTION – Room 1-100

Members: Sue Melton-Malone, chair; Pam Little, vice chair; Aicha Davis; Georgina C. Pérez; Marty Rowley. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda.

Public testimony – Individual testimony will be taken at the time the related item comes up for Committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at https://tea.texas.gov/About_TEA/Leadership/State_Board_of_Education/SBOE_Meetings/SBOE_Operating_Rules_Amended_1-28-19/ or in the information section of the agenda.

- 1. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment (First Reading and Filing Authorization)
(Board agenda page II-1)**

**COMMITTEE – ACTION
SBOE - ACTION**

This item presents for first reading and filing authorization a proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment. The proposed amendment would update the alignment charts for the College and Career Readiness Standards (CCRS) and the Texas Essential Knowledge and Skills (TEKS) to add a new alignment chart for English language arts and to reflect changes resulting from recent updates to the English language arts and mathematics CCRS. Statutory authority for this action is the Texas Education Code (TEC), §7.102(c)(4) and §28.008(d).

COMMITTEE ON INSTRUCTION (continued)

2. **Proposed Amendment to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter C, High School, §114.53, Advanced Language for Career Applications (One Credit)**
(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 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other than English, Subchapter C, High School, §114.53, Advanced Language for Career Applications (One Credit). The proposed amendment would eliminate language that is outdated and no longer necessary. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), and (t); and 28.025(a).

3. **Proposed Revisions to 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses**
(First Reading and Filing Authorization)
(Board agenda page II-9)

COMMITTEE – ACTION
SBOE - ACTION

This item presents for first reading and filing authorization proposed revisions to 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses. The proposed revisions would repeal a rule that is outdated and duplicative of other SBOE rules and would add four new International Baccalaureate (IB) courses to the mathematics Texas Essential Knowledge and Skills (TEKS) for implementation in the 2019-2020 school year. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 28.025(a).

COMMITTEE ON INSTRUCTION (continued)

4. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements (First Reading and Filing Authorization) (Board agenda page II-13)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for first reading and filing authorization a proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements. The proposed amendment would update the rule to align with the requirements of TEC, §28.025(b-7), which allows a student who completes the core curriculum of a Texas institution of higher education (IHE) while in high school to earn an endorsement, the distinguished level of achievement, and a high school diploma. Statutory authority for this action is the Texas Education Code (TEC), §7.102(c)(4) and §28.025(b-7).

5. **Discussion of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses (Board agenda page II-19)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

This item provides an opportunity for the committee to discuss a proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses. The proposed amendment would update the list of languages other than English (LOTE) courses designated as honors courses to align with recent changes to the LOTE Texas Essential Knowledge and Skills (TEKS). Statutory authority for this item is the Texas Education Code (TEC), §33.081.

6. **Proposed Approval of Innovative Courses (Board agenda page II-21)**

**COMMITTEE – ACTION
SBOE – ACTION**

This item recommends approval of innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum. Statutory authority for this action is the Texas Education Code (TEC), §28.002(f).

COMMITTEE ON INSTRUCTION (continued)

**7. Approval of Update of Instructional Materials
(Board agenda page II-24)**

**COMMITTEE – ACTION
SBOE – CONSENT**

ThinkCERCA is requesting approval to update content in three of its adopted products: *ThinkCERCA, Texas Edition*, for English language arts and reading, grades 6–8. The updated content has been reviewed by curriculum 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 for this action item is the Texas Education Code (TEC), §31.003 and §31.022.

**8. Ratification of Texas Lesson Study Resources
(Board agenda page II-46)**

**COMMITTEE – ACTION
SBOE – CONSENT**

This item gives the committee and board an opportunity to consider ratifying the current teacher-designed lesson study resources, which became available on the agency’s web portal November 1, 2018 – March 8, 2019. Statutory authority for this action is the Texas Education Code (TEC), §8.0531.

**9. Discussion of Proposed Updates to the *Texas State Plan for the Education of Gifted/Talented Students*
(Board agenda page II-47)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

This item provides the opportunity for the committee to review recommended updates to the *Texas State Plan for the Education of Gifted/Talented Students* (State Plan). Statutory authority for this item is the Texas Education Code (TEC), §7.102(c)(15) and §29.123.

THURSDAY
April 4, 2019

9 a.m.

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

Members: Tom Maynard, chair; Lawrence A. Allen, Jr., vice chair; Donna Bahorich; Patricia Hardy; Ken Mercer. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda. A quorum of the Committee of Investment Advisors to the Permanent School Fund may attend the committee meeting and discuss items on the committee agenda.

Public testimony – Individual testimony will be taken at the time the related item comes up for Committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at https://tea.texas.gov/About_TEA/Leadership/State_Board_of_Education/SBOE_Meetings/SBOE_Operating_Rules_Amended_1-28-19/ or in the information section of the agenda.

- 1. Adoption of Review of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting (Adoption of Review) (Board agenda page III-1)**

COMMITTEE – ACTION
SBOE – ACTION

Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the review of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting. Subchapter A addresses free attendance in general, and Subchapter B addresses requirements for student attendance accounting for state funding purposes. Statutory authority for the rule review is TGC, §2001.039. Statutory authority for 19 TAC Chapter 129, Subchapters A and B, is Texas Education Code (TEC), §42.004 and §12.106.

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 (First Reading and Filing Authorization)**
(Board agenda page III-6)

COMMITTEE – ACTION
SBOE – ACTION

This item presents for first reading and filing authorization proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide. The proposed amendment would reference the updated *Financial Accountability System Resource Guide* (FASRG) and remove language relating to the commissioner's role in amending the FASRG. Statutory authority for this action is the Texas Education Code (TEC), §§7.055(b)(32), 7.102(c)(32), 44.001(a) and (b), 44.007(a)-(d), and 44.008(b).

3. **Review of Permanent School Fund Securities Transactions and the Investment Portfolio**
(Board agenda page III-12)

COMMITTEE – DISCUSSION
SBOE – NO ACTION

Investment staff will report on the transactions executed during the months of December 2018 and January 2019 in the investment portfolio of the Texas Permanent School Fund. Statutory authority for this item is Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

4. **Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of December 2018 and January 2019**
(Board agenda page III-13)

COMMITTEE – ACTION
SBOE - CONSENT

This item provides an opportunity for the committee and board to consider approval of the purchases and sales of investments executed in the portfolio of the Permanent School Fund for the months of December 2018 and January 2019. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

- 5. Report by the State Auditor’s Office on the Audit of the Permanent School Fund’s Financial Statements and Certification of the Bond Guarantee Program for the Fiscal Year Ending August 31, 2018**
(Board agenda page III-14)
- COMMITTEE – DISCUSSION**
SBOE – NO ACTION

This item provides an opportunity for representatives of the State Auditor’s Office (SAO) to make a presentation regarding the Audit of the Permanent School Fund’s Financial Statements and the certification of the Bond Guarantee Program for the Fiscal Year Ending August 31, 2018. Statutory authority for this item is the Texas Constitution, Article VII, §2 and §5, and Texas Education Code (TEC), §45.053(b).

- 6. Adoption of an Annual Report on the Status of the Bond Guarantee Program**
(Board agenda page III-15)
- COMMITTEE – ACTION**
SBOE - CONSENT

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

- 7. Fourth Quarter 2018 Permanent School Fund Performance Report**
(Board agenda page III-16)
- COMMITTEE – DISCUSSION**
SBOE – NO ACTION

The performance measurement consultant to the Permanent School Fund, BNY Mellon Asset Servicing, will report on the investment performance during the fourth calendar quarter 2018 and cumulative investment performance of the various portfolios of the Fund. This item will allow the committee to discuss in-depth various issues related to portfolio management such as risk characteristics of portfolios and portfolio attributes. Statutory authority for this item is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

**8. Decision on Real Estate Investments
(Board agenda page III-17)**

**COMMITTEE – ACTION
SBOE - CONSENT**

This item provides an opportunity for the committee and board to review and consider possible real estate investments. Statutory authority for this action is Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

**9. Review of the Permanent School Fund Real Estate Policy and Tactical Plan
(Board agenda page III-19)**

**COMMITTEE – ACTION
SBOE - CONSENT**

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

**10. Review of the Permanent School Fund Emerging Market Debt Asset Class
(Board agenda page III-20)**

**COMMITTEE – ACTION
SBOE - CONSENT**

This item provides an opportunity for the board to review the emerging market debt asset class. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

**11. Presentation on the Permanent School Fund Private Equity Program Structure
(Board agenda page III-21)**

**COMMITTEE – ACTION
SBOE - CONSENT**

This item provides an opportunity for the committee and board to consider options regarding the private equity program structure. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

- 12. Presentation on the Permanent School Fund Risk Parity Asset Class**
(Board agenda page III-22)

COMMITTEE – DISCUSSION
SBOE – NO ACTION

This item provides an opportunity for the committee to receive presentations on the risk parity asset class and services provided to the Permanent School Fund. Statutory authority for this item is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

- 13. Permanent School Fund Logo Contest Contribution**
(Board agenda page III-23)

COMMITTEE – ACTION
SBOE - CONSENT

The State Board of Education will consider accepting a donation to cover part of the cost in providing replicas of the winning design in the Permanent School Fund logo contest. Statutory authority for this action is the Texas Education Code (TEC), §7.102(c)(3).

- 14. Report of the Permanent School Fund Administrator and Chief Investment Officer**
(Board agenda page III-24)

COMMITTEE – DISCUSSION
SBOE – NO ACTION

The Permanent School Fund executive administrator will report to the committee on matters relating to the management of the Permanent School Fund and the Charter District Reserve Fund. The report may present information on historical and current status of Fund holdings, current and proposed investment policies and procedures, and historical and current Fund performance and compliance. The administrator may update the board on the bond guarantee program, the status of requests for proposal or for qualifications and current contracts for services and other administrative activities undertaken on behalf of the board. The administrator may provide an update on the PSF distribution or on the effect of legislation impacting the PSF. The administrator may provide an analysis of current and future investment market conditions, focusing upon the impact on the holdings of the Permanent School Fund. Statutory authority for this item is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

THURSDAY
April 4, 2019

9 a.m.

COMMITTEE ON SCHOOL INITIATIVES – ROOM 1-111

Members: Barbara Cargill, chair; Marisa B. Perez-Diaz, vice chair; Ruben Cortez, Jr; Keven Ellis; Matt Robinson. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda.

Public testimony – Individual testimony will be taken at the time the related item comes up for Committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at https://tea.texas.gov/About_TEA/Leadership/State_Board_of_Education/SBOE_Meetings/SBOE_Operating_Rules_Amended_1-28-19/ or in the information section of the agenda.

- 1. Adoption of Review of 19 TAC Chapter 157, Hearings and Appeals, Subchapter A, General Provisions for Hearings Before the State Board of Education, and Subchapter D, Independent Hearing Examiners (Adoption of Review)
(Board agenda page IV-1)**

COMMITTEE – ACTION
SBOE – ACTION

Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the review of 19 TAC Chapter 157, Hearings and Appeals, Subchapter A, General Provisions for Hearings Before the State Board of Education, and Subchapter D, Independent Hearing Examiners. Subchapter A establishes the procedures for appeals heard by the SBOE regarding administrative penalties for violations of textbook requirements. Subchapter D sets forth the certification criteria for independent hearing examiners who conduct due process termination, nonrenewal, and suspension without pay hearings at the school district level. The statutory authority for the rule review is the Texas Government Code (TGC), §2001.039. The statutory authority for 19 TAC Chapter 157, Subchapter A, is Texas Education Code (TEC), §31.151, and TGC, §2001.004. The statutory authority for Subchapter D is TEC, §21.252(a).

COMMITTEE ON SCHOOL INITIATIVES (continued)

2. **Discussion of Proposed Amendment 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners**
(Board agenda page IV-7)

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

This item provides an opportunity for the committee to discuss a proposed amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners. The proposed amendment would allow the commissioner of education to take action against the certificate of independent hearing examiner if it is determined that the law firm with which the independent hearing examiner is associated, during the time the independent hearing examiner has been certified, meets specified criteria. Statutory authority for this item is the Texas Education Code (TEC), §21.252.

3. **Open-Enrollment Charter School Generation 24 Application Updates**
(Board agenda page IV-12)

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

The director of the Division of Charter School Administration will discuss updates regarding the Generation Twenty-Four Open-Enrollment Charter Application cycle. Statutory authority for this item is the Texas Education Code (TEC), §12.110.

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

**COMMITTEE – ACTION
SBOE - CONSENT**

This item provides an opportunity for board consideration of two appointments to the board of trustees of the Boys Ranch Independent School District. The appointments are necessary due to the expiration of the term of office for two board members. Statutory authority for this action is the Texas Education Code (TEC), §11.352, and 19 Texas Administrative Code (TAC) §61.2.

Information Materials

1. **State Board of Education Operating Rules, Amended January 28, 2019**
Public testimony information begins on page V-8.
(Board agenda page V-1)

2. **Current Status of the Permanent School Fund**
(Board agenda page V-24)

3. **2017-2021 Rule Review Plan for State Board of Education Rules**
(Board agenda page V-25)

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

OFFICIAL AGENDA

**STATE BOARD OF EDUCATION
AUSTIN, TEXAS**

**April 5, 2019
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, January 28 & February 1, 2019

1. Resolutions and Presentations

Resolution honoring Blue Ribbon Schools
(No Exhibit)

Public testimony – Individual testimony will be taken at the time the related item comes up for Committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at [https://tea.texas.gov/About/TEA/Leadership/State Board of Education/SBOE Meetings/SBOE Operating Rules Amended 1-28-19/](https://tea.texas.gov/About/TEA/Leadership/State_Board_of_Education/SBOE_Meetings/SBOE_Operating_Rules_Amended_1-28-19/) 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) 28

COMMITTEE OF THE FULL BOARD

3. **Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements**
(Second Reading and Final Adoption)

This item presents for second reading and final adoption proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements, to update the rules to align with recent changes to the Texas Essential Knowledge and Skills (TEKS) for fine arts and to establish courses to be included in a cybersecurity pathway for the science, technology, engineering, and mathematics (STEM) endorsement. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002, and 28.025.

(Agenda Exhibit) I-10

4. **Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.51, Foundations of Cybersecurity (One Credit), and §126.52, Cybersecurity Capstone (One Credit)**
(Second Reading and Final Adoption)

This item presents for second reading and final adoption proposed new 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.51, Foundations of Cybersecurity (One Credit), and §126.52, Cybersecurity Capstone (One Credit). The proposal would add Texas Essential Knowledge and Skills (TEKS) for two new technology applications courses in cybersecurity for implementation in the 2019-2020 school year. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002, and 28.025.

(Agenda Exhibit) I-28

5. **Proposed Repeal and New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.36, Digital Forensics (One-Half to One Credit), Beginning with School Year 2012-2013**
(First Reading and Filing Authorization)

This item presents for first reading and filing authorization proposed repeal and new 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.36, Digital Forensics (One-Half to One Credit), Beginning with School Year 2012-2013. The proposed repeal and new rule would update the Texas Essential Knowledge and Skills (TEKS) for the Digital Forensics course and would update the amount of credit available for the course. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), and (f)(2); and 28.025(a), (c-1)(1), and (c-10).

(Agenda Exhibit) I-41

COMMITTEE OF THE FULL BOARD (continued)

6. Proposed Revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language (First Reading and Filing Authorization)

This item presents for first reading and filing authorization proposed revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter A, Elementary, §§110.1-110.7, Subchapter B, Middle School, §§110.21-110.24, and Subchapter C, High School, §§110.36-110.39, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter A, Elementary, §§128.1-128.7, Subchapter B, Middle School, §§128.20-128.23, and Subchapter C, High School, §128.34 and §128.35, to make adjustments to align with recent revisions to the college and career readiness standards (CCRS) and to make technical adjustments, including the correction of inconsistencies that have been identified. This item also presents for first reading and filing authorization proposed repeal of 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter A, Elementary, §§110.10-110.16, and Subchapter B, Middle School, §§110.17-110.20, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter A, Elementary, §§128.10-128.16, and Subchapter B, Middle School, §128.17 and §128.18. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) adopted to be effective in 2009 for elementary and middle school English and Spanish language arts and reading and related implementation language that will be superseded by new 19 TAC §§110.1-110.7, 110.21-110.24, 128.1-128.7, and 128.20-128.23 beginning with the 2019-2020 school year. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), and (t); and 28.025(a).

(Agenda Exhibit) I-45

7. Perkins V Transition Plan

This item provides the opportunity for the committee and the board to hear an update on the reauthorization of federal Perkins funding and approve the transition plan for the state of Texas in compliance with the reauthorization. Statutory authority for this action is the Texas Education Code (TEC), §7.109.

(Agenda Exhibit) I-95

COMMITTEE OF THE FULL BOARD (continued)

8. Ratification of Texas Essential Knowledge and Skills Coverage in Materials Submitted for Review for the Instructional Materials Quality Evaluation Pilot

This item gives the board an opportunity to ratify the report from the Texas Essential Knowledge and Skills (TEKS) review committees regarding materials that were submitted for review for the Instructional Materials Quality Evaluation (IMQE) Pilot. This item presents the final report from the commissioner of education regarding the coverage of the TEKS and English Language Proficiency Standards (ELPS). Statutory authority for this action is the Texas Education Code (TEC), §31.081 and §31.082.

(Agenda Exhibit) I-150

COMMITTEE ON INSTRUCTION

9. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment (First Reading and Filing Authorization)

This item presents for first reading and filing authorization a proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment. The proposed amendment would update the alignment charts for the College and Career Readiness Standards (CCRS) and the Texas Essential Knowledge and Skills (TEKS) to add a new alignment chart for English language arts and to reflect changes resulting from recent updates to the English language arts and mathematics CCRS. Statutory authority for this action is the Texas Education Code (TEC), §7.102(c)(4) and §28.008(d).

(Agenda Exhibit) II-1

10. Proposed Revisions to 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses (First Reading and Filing Authorization)

This item presents for first reading and filing authorization proposed revisions to 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses. The proposed revisions would repeal a rule that is outdated and duplicative of other SBOE rules and would add four new International Baccalaureate (IB) courses to the mathematics Texas Essential Knowledge and Skills (TEKS) for implementation in the 2019-2020 school year. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and §28.025(a).

(Agenda Exhibit) II-9

COMMITTEE ON INSTRUCTION (continued)

11. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements (First Reading and Filing Authorization)

This item presents for first reading and filing authorization a proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements. The proposed amendment would update the rule to align with the requirements of TEC, §28.025(b-7), which allows a student who completes the core curriculum of a Texas institution of higher education (IHE) while in high school to earn an endorsement, the distinguished level of achievement, and a high school diploma. Statutory authority for this action is the Texas Education Code (TEC), §7.102(c)(4) and §28.025(b-7).

(Agenda Exhibit) II-13

12. Proposed Approval of Innovative Courses

This item recommends approval of innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum. Statutory authority for this action is the Texas Education Code (TEC), §28.002(f).

(Agenda Exhibit) II-21

COMMITTEE ON SCHOOL FINANCE AND PERMANENT SCHOOL FUND

13. Adoption of Review of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting (Adoption of Review)

Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the review of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting. Subchapter A addresses free attendance in general, and Subchapter B addresses requirements for student attendance accounting for state funding purposes. Statutory authority for the rule review is TGC, §2001.039. Statutory authority for 19 TAC Chapter 129, Subchapters A and B, is Texas Education Code (TEC), §42.004 and §12.106.

(Agenda Exhibit) III-1

COMMITTEE ON SCHOOL FINANCE AND PERMANENT SCHOOL FUND (continued)

14. **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)**

This item presents for first reading and filing authorization proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide. The proposed amendment would reference the updated *Financial Accountability System Resource Guide* (FASRG) and remove language relating to the commissioner's role in amending the FASRG. Statutory authority for this action is the Texas Education Code (TEC), §§7.055(b)(32), 7.102(c)(32), 44.001(a) and (b), 44.007(a)-(d), and 44.008(b).

(Agenda Exhibit) III-6

COMMITTEE ON SCHOOL INITIATIVES

15. **Adoption of Review of 19 TAC Chapter 157, Hearings and Appeals, Subchapter A, General Provisions for Hearings Before the State Board of Education, and Subchapter D, Independent Hearing Examiners (Adoption of Review)**

Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the review of 19 TAC Chapter 157, Hearings and Appeals, Subchapter A, General Provisions for Hearings Before the State Board of Education, and Subchapter D, Independent Hearing Examiners. Subchapter A establishes the procedures for appeals heard by the SBOE regarding administrative penalties for violations of textbook requirements. Subchapter D sets forth the certification criteria for independent hearing examiners who conduct due process termination, nonrenewal, and suspension without pay hearings at the school district level. The statutory authority for the rule review is the Texas Government Code (TGC), §2001.039. The statutory authority for 19 TAC Chapter 157, Subchapter A, is Texas Education Code (TEC), §31.151, and TGC, §2001.004. The statutory authority for Subchapter D is TEC, §21.252(a).

(Agenda Exhibit) IV-1

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

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

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

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

Information Materials

1. **State Board of Education Operating Rules, Amended January 28, 2019**
Public testimony information begins on page V-8.
(Board agenda page V-1)

2. **Current Status of the Permanent School Fund**
(Board agenda page V-24)

3. **2017-2021 Rule Review Plan for State Board of Education Rules**
(Board agenda page V-25)

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

**CONSENT AGENDA
STATE BOARD OF EDUCATION
April 5, 2019**

- (1) Procedural Action Related to New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.50, Ethnic Studies: Mexican American Studies (One Credit) (Second Reading and Final Adoption)**

In order to correct a procedural error made by the Texas Education Agency (TEA), this item presents for second reading and final adoption proposed new 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.50, Ethnic Studies: Mexican American Studies (One Credit). This action would add new Texas Essential Knowledge and Skills (TEKS) for Ethnic Studies: Mexican American Studies as adopted by the SBOE in September 2018 and would allow for implementation of the new course at the beginning of the 2019-2020 school year on the same timeline as the original adoption. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §7.102(c)(4) and §28.002

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

- (2) Proposed Amendment to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter C, High School, §114.53, Advanced Language for Career Applications (One Credit)**

This item presents for first reading and filing authorization a proposed amendment to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other than English, Subchapter C, High School, §114.53, Advanced Language for Career Applications (One Credit). The proposed amendment would eliminate language that is outdated and no longer necessary. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), and (t); and 28.025(a).

[\(Agenda Exhibit\)](#) II-5

- (3) Approval of Update of Instructional Materials**

ThinkCERCA is requesting approval to update content in three of its adopted products: *ThinkCERCA, Texas Edition*, for English language arts and reading, grades 6–8. The updated content has been reviewed by curriculum 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 for this action item is the Texas Education Code (TEC), §31.003 and §31.022.

[\(Agenda Exhibit\)](#) II-24

(4) Ratification of Texas Lesson Study Resources

This item gives the committee and board an opportunity to consider ratifying the current teacher-designed lesson study resources, which became available on the agency’s web portal November 1, 2018 – March 8, 2019. The statutory authority for this action is the Texas Education Code (TEC), §8.0531.

[\(Agenda Exhibit\)](#) II-46

(5) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of December 2018 and January 2019

This item provides an opportunity for the committee and board to consider approval of the purchases and sales of investments executed in the portfolio of the Permanent School Fund for the months of December 2018 and January 2019. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

[\(Agenda Exhibit\)](#) III-13

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

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

[\(Agenda Exhibit\)](#) III-15

(7) Decision on Real Estate Investments

This item provides an opportunity for the committee and board to review and consider possible real estate investments. Statutory authority for this action is Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

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

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

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

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

(9) Review of the Permanent School Fund Emerging Market Debt Asset Class

This item provides an opportunity for the board to review the emerging market debt asset class. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

[\(Agenda Exhibit\)](#) III-20

(10) Presentation on the Permanent School Fund Private Equity Program Structure

This item provides an opportunity for the committee and board to consider options regarding the private equity program structure. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

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

(11) Permanent School Fund Logo Contest Contribution

The State Board of Education will consider accepting a donation to cover part of the cost in providing replicas of the winning design in the Permanent School Fund logo contest. Statutory authority for this action is the Texas Education Code (TEC), §7.102(c)(3).

[\(Agenda Exhibit\)](#) III-23

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

This item provides an opportunity for board consideration of two appointments to the board of trustees of the Boys Ranch Independent School District. The appointments are necessary due to the expiration of the term of office for two board members. Statutory authority for this action item is the Texas Education Code (TEC), §11.352 and Texas Administrative Code (TAC) §61.2.

[\(Agenda Exhibit\)](#) IV-13

STATE BOARD OF EDUCATION

COMMITTEE OF THE FULL BOARD

Commissioner's Comments

April 3, 2019

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 SIGNIFICANT ISSUES: On an as needed basis, the board will be briefed on significant public education issues and events.

OTHER COMMENTS AND RELATED ISSUES: None.

Staff Member Responsible:

Debbie Ratcliffe, Executive Director, Division of State Board of Education Support

**Procedural Action Related to New 19 TAC Chapter 113,
Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School,
§113.50, Ethnic Studies: Mexican American Studies (One Credit)
(Second Reading and Final Adoption)**

April 5, 2019

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

SUMMARY: In order to correct a procedural error made by the Texas Education Agency (TEA), this item presents for second reading and final adoption proposed new 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.50, Ethnic Studies: Mexican American Studies (One Credit). This action would add new Texas Essential Knowledge and Skills (TEKS) for Ethnic Studies: Mexican American Studies as adopted by the SBOE in September 2018 and would allow for implementation of the new course at the beginning of the 2019-2020 school year on the same timeline as the original adoption. No changes are recommended since approved for first reading.

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

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.

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 rule is July 1, 2019. 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 2019-2020 school year. The earlier effective date will allow districts of innovation that begin school prior to the statutorily required start date to implement the new rule when they begin their school year.

PREVIOUS BOARD ACTION: At the January-February 2018 meeting, the SBOE discussed the development of TEKS for a Mexican American studies course. The SBOE again discussed the addition of a Mexican American studies course at their April 2018 meeting. At the June 2018 SBOE meeting, the board approved proposed new 19 TAC §113.50 for first reading and filing authorization. At the September 2018 SBOE meeting, the board approved proposed new 19 TAC §113.50 for second reading and final adoption. The board approved for first reading and filing authorization the procedural action related to new 19 TAC §113.50 at the January-February 2019 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Following June 2018 action by the SBOE to approve the original proposal for first reading and filing authorization, TEA filed the proposal for publication in the *Texas Register* on July 13, 2018. The filing initiated a timeline that required the

filing of the rule as adopted by January 14, 2019. Because of a procedural error by TEA, the rule that was approved by the SBOE in September 2018 was not filed by the January deadline and the proposal expired. At the January-February 2019 meeting, the SBOE authorized the agency to re-file the rule using the exact language approved by the SBOE at second reading and final adoption in September 2018 in order for the rule to become effective so that the new course may be implemented beginning with the 2019-2020 school year.

The attachment to this item reflects the text of proposed new 19 TAC §113.50 for consideration by the SBOE for second reading and final adoption. No changes are recommended since approved for first reading.

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

The 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 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 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 proposal would add a new TEKS-based course option for students and increase flexibility in meeting graduation 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 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.

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

PUBLIC COMMENTS: Following the January-February 2019 SBOE meeting, notice of the procedural action related to 19 TAC §113.50 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began February 22, 2019, and ended March 29, 2019. No comments had been received at the time this item was prepared. A summary of any public comments received regarding the proposal will be provided to the SBOE prior to and during the April 2019 meeting. The SBOE will take registered oral and written comments on the proposal at the committee meeting in April 2019 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 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.50, Ethnic Studies: Mexican American Studies (One Credit), as approved by the SBOE in September 2018; and

Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.50, Ethnic Studies: Mexican American Studies (One Credit), is necessary and shall have an effective date of July 1, 2019. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

Staff Members Responsible:

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

Attachment: Text of Proposed New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.50, Ethnic Studies: Mexican American Studies (One Credit)

ATTACHMENT
Text of Proposed New 19 TAC

Chapter 113. Texas Essential Knowledge and Skills for Social Studies

Subchapter C. High School

§113.50. Ethnic Studies: Mexican American Studies (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course is recommended for students in Grades 10-12.
- (b) Introduction.
- (1) In Ethnic Studies: Mexican American Studies, an elective course, students learn about the history and cultural contributions of Mexican Americans. Students explore history and culture from an interdisciplinary perspective. The course emphasizes events in the 20th and 21st centuries, but students will also engage with events prior to the 20th century.
- (2) To support the teaching of the essential knowledge and skills, the use of a variety of rich primary and secondary source material such as biographies, autobiographies, landmark cases of the U.S. Supreme Court, novels, speeches, letters, diaries, poetry, songs, and artwork is encouraged. Motivating resources are available from museums, historical sites, presidential libraries, and local and state preservation societies.
- (3) The eight strands of the essential knowledge and skills for social studies are intended to be integrated for instructional purposes. Skills listed in the social studies skills strand in subsection (c) of this section should be incorporated into the teaching of all essential knowledge and skills for social studies. A greater depth of understanding of complex content material can be attained when integrated social studies content from the various disciplines and critical-thinking skills are taught together.
- (4) Students identify the role of the U.S. free enterprise system within the parameters of this course and understand that this system may also be referenced as capitalism or the free market system.
- (5) Throughout social studies in Kindergarten-Grade 12, students build a foundation in history; geography; economics; government; citizenship; culture; science, technology, and society; and social studies skills. The content, as appropriate for the grade level or course, enables students to understand the importance of patriotism, function in a free enterprise society, and appreciate the basic democratic values of our state and nation as referenced in the Texas Education Code (TEC), §28.002(h).
- (6) Students understand that a constitutional republic is a representative form of government whose representatives derive their authority from the consent of the governed, serve for an established tenure, and are sworn to uphold the constitution.
- (7) State and federal laws mandate a variety of celebrations and observances, including Celebrate Freedom Week.
- (A) Each social studies class shall include, during Celebrate Freedom Week as provided under the TEC, §29.907, or during another full school week as determined by the board of trustees of a school district, appropriate instruction concerning the intent, meaning, and importance of the Declaration of Independence and the U.S. Constitution, including the Bill of Rights, in their historical contexts. The study of the Declaration of Independence must include the study of the relationship of the ideas expressed in that document to subsequent American history, including the relationship of its ideas to the rich diversity of our people as a nation of immigrants, the American Revolution, the formulation of the U.S. Constitution, and the abolitionist movement, which led to the Emancipation Proclamation and the women's suffrage movement.

- (B) Each school district shall require that, during Celebrate Freedom Week or other week of instruction prescribed under subparagraph (A) of this paragraph, students in Grades 3-12 study and recite the following text: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness--That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed."
- (8) Students identify and discuss how the actions of U.S. citizens and the local, state, and federal governments have either met or failed to meet the ideals espoused in the founding documents.
- (9) 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.
- (c) Knowledge and skills.
- (1) History. The student understands historical points of reference in Mexican American history. The student is expected to apply absolute and relative chronology through the sequencing of significant individuals, events, and time periods.
- (2) History. The student understands developments related to pre-colonial settlements and Spanish colonization of Mesoamerica and North America. The student is expected to:
- (A) explain the significance of the following events as turning points relevant to Mexican American history: Aztec arrival in Mexico's central valley, establishment of the Aztec Empire, Hernán Cortés's first encounter with the Aztecs, Spanish conquest of the Aztecs, creation of the New Laws, and Jesuit expulsion from the Americas; and
- (B) examine the contributions of significant individuals from the Spanish colonial era, including Moctezuma, Hernán Cortés, La Malinche, Bartolomé de las Casas, and Sor Juana Inés de la Cruz.
- (3) History. The student understands developments related to Mexican independence and Mexico's relationship with the United States from 1800-1930. The student is expected to:
- (A) explain the significance of the following events as turning points relevant to Mexican American history: the Grito de Dolores, Mexico's acquisition of independence, Texas's declaration of independence from Mexico, Mexican-American War, Treaty of Guadalupe Hidalgo, Mexican Revolution, creation of the U.S. Border Patrol, and Mexican repatriation of the 1930s; and
- (B) examine the contributions of significant individuals from this period such as Father Miguel Hidalgo, José María Morelos, Agustín de Iturbide, Emiliano Zapata, Francisco (Pancho) Villa, Francisco I. Madero, Porfirio Díaz, and Álvaro Obregón.
- (4) History. The student understands the causes and impact of the Mexican American civil rights movement from the 1930s to 1975. The student is expected to:
- (A) explain the significance of the following events as turning points relevant to Mexican American history: U.S. entry into World War II, Bracero Program, Longoria Affair, Operation Wetback, Hernández v. Texas, Brown v. Board of Education, Civil Rights Act of 1964, Voting Rights Act of 1965, Farmworkers strike and boycott, and establishment of La Raza Unida Party; and
- (B) identify the contributions of significant individuals from the civil rights era such as César Chávez, Dolores Huerta, Reies López Tijerina, José Ángel Gutiérrez, Rubén Salazar, Emma Tenayuca, Rodolfo "Corky" Gonzales, Marcario García, Hector P. García, Raul "Roy" Perez Benavidez, Martha P. Cotera, Jovita Idár, Jovita González de Mireles, Sara Estela Ramírez, Leonor Villegas de Magnon, Adela Sloss Vento, María L. de Hernández, and Alicia "Alice" Dickerson Montemayor.
- (5) History. The student understands the development of voting rights and ideas related to citizenship for Mexican Americans from 1975 to the present. The student is expected to:

- (A) explain the significance of the following events as turning points relevant to Mexican American history: the Immigration Reform and Control Act, Illegal Immigration Reform and Immigration Responsibility Act; and H.R. 4437 passed by the U.S. House of Representatives in 2006; and
 - (B) identify the contributions of significant individuals such as Raul Yzaguirre, William "Willie" Velásquez, Gloria Evangelina Anzaldúa, Henry Cisneros, Cherrie L. Moraga, and Bill Richardson.
- (6) Geography. The student understands the impact of geographic factors on major events related to Mexican Americans. The student is expected to:
- (A) locate places and regions of cultural and historical significance in Mexican American history;
 - (B) identify physical and human geographic factors related to the settlement of American Indian societies;
 - (C) explain how issues of land use related to Mexican Independence, Texas Independence, and the Mexican Revolution;
 - (D) analyze physical and human geographic factors related to Mexican migration from the 1910s to the 1930s;
 - (E) identify physical and human geographic factors related to the migration of Mexican laborers as part of the 1940s Bracero Program; and
 - (F) analyze the physical and human geographic factors related to contemporary Mexican migration to and Mexican American migration within the United States.
- (7) Economics. The student understands domestic issues related to Mexican American population growth, labor force participation, and the struggle to satisfy wants and needs given scarce resources. The student is expected to:
- (A) analyze the economic impact of Mexican repatriation of the 1930s;
 - (B) evaluate the contributions of the Bracero Program to the U.S. war effort and the development of the agricultural economy in the American Southwest;
 - (C) explain the struggle to create a farmworkers union and the union's efforts to fight for better wages;
 - (D) analyze the economic contributions of the Mexican American labor force;
 - (E) analyze the purchasing power of the Mexican American population as it relates to U.S. household consumption and gross domestic product (GDP); and
 - (F) discuss current issues related to the Mexican American labor force.
- (8) Government. The student understands the significance of political decisions and the struggle for Mexican American political power throughout U.S. history. The student is expected to:
- (A) describe how Mexican Americans have participated in supporting and changing government;
 - (B) analyze the impact of *Salvatierra v. Del Rio Independent School District (ISD)*, *Delgado v. Bastrop ISD*, and *Hernández v. Texas* on Mexican Americans and the end of the biracial paradigm;
 - (C) analyze the Mexican American struggle for civil rights as manifested in the Chicano movement;
 - (D) evaluate the successes and failures of the Mexican American civil rights movement and the farmworkers movement;

- (E) analyze the significance of U.S. Supreme Court decisions in *Miranda v. Arizona*, *San Antonio ISD v. Rodríguez*, and *Plyler v. Doe*; and
 - (F) discuss the role of various organizations such as the American G.I. Forum, the League of United Latin American Citizens (LULAC), the Mexican American Legal Defense and Educational Fund (MALDEF), the National Association of Latino Elected and Appointed Officials (NALEO), and the National Council of La Raza (NCLR) that have participated in the Mexican American struggle for political power.
- (9) Citizenship. The student understands the debates surrounding the nature of respectful expression of different points of view in a constitutional republic. The student is expected to:
- (A) describe the rights and responsibilities of Mexican American citizens and Mexican immigrants in civic participation within the United States;
 - (B) discuss ways American citizens and immigrants interpret formal citizenship and cultural citizenship, including membership in one nation and membership in diverse cultural and national groups;
 - (C) discuss ways individuals contribute to the national identity as members of diverse cultural groups; and
 - (D) analyze the connotations and histories of identity nomenclature relevant to Mexican Americans such as Mexican, Spanish, Hispanic, Latina/o, Chicana/o, illegal, undocumented, Mexican American, American Mexican, or simply American.
- (10) Culture. The student understands the relationship between Mexican American artistic expression and the times during which the art was created. The student is expected to:
- (A) describe how the characteristics and issues of Mexican American history have been reflected in various genres of art, music, film, and literature;
 - (B) analyze the significance of selected works of Mexican American literature such as "I am Joaquín" (1967) by Rodolfo "Corky" Gonzales and "Pensamiento Serpentino" (1971) by Luis Valdez;
 - (C) describe the role of artistic expression in mobilizing Mexican Americans and others toward civic participation and action such as the role of "Teatro Campesino" during the farmworkers movement;
 - (D) identify the contributions of women such as Sandra Cisneros and Norma Alarcón; and
 - (E) identify the impact of Mexican American popular culture on the United States and the world over time.
- (11) Science, technology, and society. The student understands the impact of Mexican American individuals and groups on the development of science and technology in American society and on a global scale. The student is expected to:
- (A) explain the major ideas in astronomy, mathematics, and architectural engineering that developed in the Maya and Aztec civilizations; and
 - (B) identify contributions to science and technology in the United States and the world made by Mexican Americans such as Albert Baez, Martha E. Bernal, Ellen Ochoa, Linda García Cubero, and Mario José Molina.
- (12) Social studies skills. The student applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including electronic technology. The student is expected to:
- (A) use social studies terminology correctly;
 - (B) analyze diverse points of view related to contemporary Mexican American issues;

- (C) create a written and/or oral presentation on a contemporary issue or topic relevant to Mexican Americans using critical methods of inquiry; and
- (D) analyze information by sequencing, categorizing, identifying cause-and-effect relationships, comparing, contrasting, finding the main idea, summarizing, making generalizations and predictions, and drawing inferences and conclusions.

**Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements
(Second Reading and Final Adoption)**

April 5, 2019

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

SUMMARY: This item presents for second reading and final adoption proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements, to update the rules to align with recent changes to the Texas Essential Knowledge and Skills (TEKS) for fine arts and to establish courses to be included in a cybersecurity pathway for the science, technology, engineering, and mathematics (STEM) endorsement. No changes are recommended since approved for first reading.

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

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

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

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

TEC, §28.002(f)(2), requires the SBOE to approve courses in cybersecurity for credit for high school graduation.

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

TEC, §28.025(b-1), requires the SBOE to by rule require that the curriculum requirements for the foundation high school program include a requirement that students successfully complete four credits in English language arts, including one credit in English I, one credit in English II, one credit in English III, and one credit in an advanced English course; three credits in mathematics, including one credit in Algebra I, one credit in geometry, and one credit in any advanced mathematics course; three credits in science, including one credit in biology, one credit in any advanced science course, and one credit in integrated physics and chemistry or in an additional advanced science course; three credits in social studies, including one credit in United States history, at least one-half credit in government and at least one-half credit in economics, and one credit in world geography or world history; two credits in the same language in a language other than English; five elective credits; one credit in fine arts; and one credit in physical education.

TEC, §28.025(c-1), requires the SBOE to by rule provide students with multiple options for earning each endorsement, including, to the greatest extent possible, coherent sequences of courses. The SBOE by rule must permit a student to enroll in courses under more than one endorsement curriculum before the student's junior year.

TEC, §28.025(c-1)(1), establishes that an endorsement may be earned in STEM, which includes courses related to science, including environmental science; technology, including computer science, cybersecurity, and computer coding; engineering; and advanced mathematics.

TEC, §28.025(c-2), requires the SBOE, in adopting rules, to require a student in order to earn any endorsement to successfully complete four credits in mathematics, which must include Algebra I, geometry, and two advanced mathematics courses; four credits in science, which must include biology, integrated physics and chemistry or an additional advanced science course, and two advanced science courses or an advanced career and technology course; and two additional elective credits. The SBOE, in adopting rules, is also required to develop additional curriculum requirements for each endorsement with the direct participation of educators and business, labor, and industry representatives and to require each school district to report to the agency the categories of endorsements for which the district offers all courses for curriculum requirements, as determined by board rule.

TEC, §28.025(c-10), requires the SBOE to adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the STEM endorsement.

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

EFFECTIVE DATE: The proposed effective date of the proposed amendments is August 1, 2019. 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 2019-2020 school year. The earlier effective date will allow districts of innovation that begin school prior to the statutorily required start date to implement these amendments when they begin their school year.

PREVIOUS BOARD ACTION: The SBOE adopted rules in 19 TAC Chapter 74, Subchapter B, to implement the Foundation High School Program effective July 8, 2014. The SBOE adopted amendments to 19 TAC Chapter 74, Subchapter B, effective August 22, 2016, and August 28, 2017. The SBOE last adopted amendments effective August 27, 2018. At the January-February 2019 SBOE meeting, the board approved proposed amendments to 19 TAC §74.12 and §74.13 for first reading and filing authorization.

BACKGROUND INFORMATION AND JUSTIFICATION: The 83rd Texas Legislature, Regular Session, 2013, passed House Bill (HB) 5, amending TEC, §28.025, to transition from three high school graduation programs to one foundation high school program with endorsement options to increase flexibility for students. HB 5 gave the SBOE the authority to identify advanced courses related to the new graduation program, identify the curriculum requirements for the endorsements, and determine the requirements for performance acknowledgments related to the new graduation program.

The 85th Texas Legislature, Regular Session, 2017, passed HB 3593, amending TEC, §28.025(c-1)(1), to add cybersecurity and computer coding to the courses to be included in a STEM endorsement. HB 3593 also added TEC, §28.025(c-10), to require the SBOE to adopt or select five technology applications courses to be included in a cybersecurity pathway for the STEM endorsement. In August 2018, a committee of secondary and postsecondary educators and business and industry representatives was selected to develop recommendations for TEKS for new cybersecurity courses and for the cybersecurity pathway. The committee met again in October 2018 and January 2019 to finalize their recommendations.

For students to earn state credit toward specific graduation requirements, a course must be approved by the SBOE and included in SBOE rule. At the September 2017 SBOE meeting, the board discussed International Baccalaureate (IB) courses that are not currently included in SBOE rule and considerations regarding the appropriate amount of state credit that should be awarded for IB courses. At that time, the board requested that agency staff prepare rule text to address these issues. Throughout 2018, the SBOE adopted rules to align the TEKS with current course offerings by the International Baccalaureate Organization. In September 2018, the SBOE discussed the addition of two currently approved innovative courses, IB Film Standard Level and IB Film Higher Level, to the TEKS for fine arts, and in November 2018, the SBOE approved for first reading and filing authorization the proposal to add the two new courses. At the January-February 2019 meeting, the SBOE approved for second reading and final adoption the TEKS for IB Film Standard Level and IB Film Higher Level.

Proposed amendments to 19 TAC §74.12 and §74.13 were approved for first reading and filing authorization at the January-February 2019 SBOE meeting.

The attachment to this item reflects the text of the proposed amendments to 19 TAC §74.12 and §74.13 for consideration by the SBOE for second reading and final adoption. No changes are recommended since approved for first reading.

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

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

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. 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 proposal would add flexibility in course options for students to meet high school graduation 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 proposal would have no new data and reporting impact.

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

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

PUBLIC COMMENTS: Following the January-February 2019 SBOE meeting, notice of the proposed amendments to 19 TAC §74.12 and §74.13 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began February 22, 2019, and ended March 29, 2019. No comments had been received at the time this item was prepared. A summary of any public comments received regarding the proposal will be provided to the SBOE prior to and during the April 2019 meeting. The SBOE will take registered oral and written comments on the proposal at the committee meeting in April 2019 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

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

Make an affirmative finding that immediate adoption of the proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements, is necessary and shall have an effective date of August 1, 2019. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

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

ATTACHMENT
Text of Proposed Amendments to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter B. Graduation Requirements

§74.12. Foundation High School Program.

- (a) (No change.)
- (b) Core courses. A student must demonstrate proficiency in the following.
 - (1) English language arts--four credits. Two of the credits must consist of English I and II. (Students with limited English proficiency who are at the beginning or intermediate level of English language proficiency, as defined by §74.4(d) of this title (relating to English Language Proficiency Standards), may satisfy the English I and English II graduation requirements by successfully completing English I for Speakers of Other Languages and English II for Speakers of Other Languages.) A third credit must consist of English III ~~or~~ a comparable Advanced Placement (AP) ~~or International Baccalaureate (IB)~~ English language arts course that does not count toward another credit required for graduation , or a comparable International Baccalaureate (IB) English language arts course that meets all the requirements in §110.33 of this title (relating to English Language Arts and Reading, English III (One Credit), Beginning with School Year 2009-2010) . A fourth credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:
 - (A) English IV;
 - (B) Independent Study in English;
 - (C) Literary Genres;
 - (D) Creative Writing;
 - (E) Research and Technical Writing;
 - (F) Humanities;
 - (G) Public Speaking III;
 - (H) Communication Applications, which must be combined with another half credit from the other courses listed in subparagraphs (A)-(G) and (I)-(S) of this paragraph;
 - (I) Oral Interpretation III;
 - (J) Debate III;
 - (K) Independent Study in Speech;
 - (L) Independent Study in Journalism;
 - (M) Advanced Broadcast Journalism III;
 - (N) Advanced Journalism: Newspaper III;
 - (O) Advanced Journalism: Yearbook III;
 - (P) a comparable Advanced Placement (AP) ~~or International Baccalaureate (IB)~~ English language arts course that does not count toward another credit required for graduation;
 - (Q) a comparable International Baccalaureate (IB) English language arts course that meets all the requirements in §110.34 of this title (relating to English Language Arts and Reading, English IV (One Credit), Beginning with School Year 2009-2010);

~~(R)~~ ~~[(Q)]~~ after the successful completion of English I, II, and III, a locally developed English language arts course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the Texas Education Code (TEC), §28.002(g-1);

~~(S)~~ ~~[(R)]~~ Business English; and

~~(T)~~ ~~[(S)]~~ a college preparatory English language arts course that is developed pursuant to the TEC, §28.014.

(2) Mathematics--three credits. Two of the credits must consist of Algebra I and Geometry.

(A) The additional credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses or a credit selected from the courses listed in subparagraph (B) of this paragraph:

- (i) Mathematical Models with Applications;
- (ii) Mathematical Applications in Agriculture, Food, and Natural Resources;
- (iii) Digital Electronics;
- (iv) Robotics Programming and Design;
- (v) Financial Mathematics;
- (vi) Applied Mathematics for Technical Professionals;
- (vii) Accounting II;
- (viii) Manufacturing Engineering Technology II; and
- (ix) Robotics II.

(B) The additional credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:

- (i) Algebra II;
- (ii) Precalculus;
- (iii) Advanced Quantitative Reasoning;
- (iv) Independent Study in Mathematics;
- (v) Discrete Mathematics for Problem Solving;
- (vi) Algebraic Reasoning;
- (vii) Statistics;
- (viii) a comparable AP or IB mathematics course that does not count toward another credit required for graduation;
- (ix) AP Computer Science A;
- (x) IB Computer Science Higher Level;
- (xi) Engineering Mathematics;
- (xii) Statistics and Business Decision Making;
- (xiii) Mathematics for Medical Professionals;
- (xiv) Discrete Mathematics for Computer Science;
- (xv) pursuant to the TEC, §28.025(b-5), after the successful completion of Algebra II, a mathematics course 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. The Texas Education Agency (TEA) shall maintain a current list of courses offered under this clause [subparagraph] ; and

- (xvi) after the successful completion of Algebra I and Geometry, a locally developed mathematics course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1).
- (C) A single two-credit IB mathematics course may only satisfy one mathematics requirement.
- (3) Science--three credits. One credit must consist of Biology or a comparable AP or IB biology course.
 - (A) One credit must be selected from the following laboratory-based courses:
 - (i) Integrated Physics and Chemistry;
 - (ii) Chemistry;
 - (iii) Physics;
 - (iv) Principles of Technology; and
 - (v) a comparable AP or IB chemistry or physics course that does not count toward another credit required for graduation.
 - (B) The additional credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following laboratory-based courses:
 - (i) Chemistry;
 - (ii) Physics;
 - (iii) Aquatic Science;
 - (iv) Astronomy;
 - (v) Earth and Space Science;
 - (vi) Environmental Systems;
 - (vii) a comparable AP or IB science course that does not count toward another credit required for graduation;
 - (viii) Advanced Animal Science;
 - (ix) Advanced Plant and Soil Science;
 - (x) Anatomy and Physiology;
 - (xi) Medical Microbiology;
 - (xii) Pathophysiology;
 - (xiii) Food Science;
 - (xiv) Forensic Science;
 - (xv) Biotechnology I;
 - (xvi) Biotechnology II;
 - (xvii) Principles of Technology;
 - (xviii) Scientific Research and Design;

- (xix) Engineering Design and Problem Solving;
 - (xx) Engineering Science;
 - (xxi) pursuant to the TEC, §28.025(b-5), after the successful completion of physics, a science course 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. The TEA shall maintain a current list of courses offered under this clause; and
 - (xxii) a locally developed science course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1).
- (C) Credit may not be earned for both physics and Principles of Technology to satisfy science credit requirements.
- (D) A single two-credit IB science course may only satisfy one science requirement.
- (4) Social studies--three credits. Two of the credits must consist of United States History Studies Since 1877 (one credit), United States Government (one-half credit), and Economics with Emphasis on the Free Enterprise System and Its Benefits (one-half credit). The additional credit may be selected from the following courses:
- (A) World History Studies; or [~~and~~]
 - (B) World Geography Studies; or [~~and~~]
 - (C) a comparable AP or IB world history or world geography course that does not count toward another credit required for graduation.
- (5) Languages other than English (LOTE)--two credits.
- (A) The credits may be selected from the following:
 - (i) any two levels in the same language, including comparable AP or IB language courses that do not count toward another credit required for graduation; or
 - (ii) two credits in computer programming languages, including computer coding, to be selected from Computer Science I, II, and III, AP Computer Science Principles, AP Computer Science A, IB Computer Science Standard Level, and IB Computer Science Higher Level.
 - (B) A single two-credit IB LOTE course may only satisfy one LOTE requirement.
 - (C) If a student, in completing the first credit of LOTE, demonstrates that the student is unlikely to be able to complete the second credit, the student may substitute another appropriate course as follows:
 - (i) Special Topics in Language and Culture;
 - (ii) World History Studies or World Geography Studies for a student who is not required to complete both by the local district;
 - (iii) another credit selected from Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English); or
 - (iv) computer programming languages, including computer coding.
 - (D) The determination regarding a student's ability to complete the second credit of LOTE must be agreed to by:
 - (i) the teacher of the first LOTE credit course or another LOTE teacher designated by the school district, the principal or designee, and the student's parent or person standing in parental relation;

- (ii) the student's admission, review, and dismissal (ARD) committee if the student receives special education services under the TEC, Chapter 29, Subchapter A; or
 - (iii) 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.
- (E) A student, who due to a disability, is unable to complete two credits in the same language in a language other than English, may substitute a combination of two credits that are not being used to satisfy another specific graduation requirement selected from English language arts, mathematics, science, or social studies or two credits in career and technical education or technology applications for the LOTE credit requirements. The determination regarding a student's ability to complete the LOTE credit requirements will be made by:
 - (i) the student's ARD committee if the student receives special education services under the TEC, Chapter 29, Subchapter A; or
 - (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.
- (F) A student who successfully completes a dual language immersion/two-way or dual language immersion/one-way program in accordance with §89.1210(d)(3) and (4) of this title (relating to Program Content and Design), §89.1227 of this title (relating to Minimum Requirements for Dual Language Immersion Program Model), and §89.1228 of this title (relating to Two-Way Dual Language Immersion Program Model Implementation) at an elementary school may satisfy one credit of the two credits required in a language other than English.
 - (i) To successfully complete a dual language immersion program, a student must:
 - (I) have participated in a dual language immersion program for at least five consecutive school years;
 - (II) achieve high levels of academic competence as demonstrated by performance of meets or masters grade level on the State of Texas Assessments of Academic Readiness (STAAR®) in English or Spanish, as applicable; and
 - (III) achieve proficiency in both English and a language other than English as demonstrated by scores of proficient or higher in the reading and speaking domains on language proficiency or achievement tests in both languages.
 - (ii) The second credit of a language other than English must be in the same language as the successfully completed dual language immersion program.
- (6) Physical education--one credit.
 - (A) The required credit may be selected from any combination of the following one-half to one credit courses:
 - (i) Foundations of Personal Fitness;
 - (ii) Adventure/Outdoor Education;
 - (iii) Aerobic Activities; and
 - (iv) Team or Individual Sports.

- (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 any course identified in subparagraph (A) 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) Fine arts--one credit.
 - (A) The credit may be selected from the following courses subject to prerequisite requirements:
 - (i) Art, Level I, II, III, or IV;
 - (ii) Dance, Level I, II, III, or IV;
 - (iii) Music, Level I, II, III, or IV;
 - (iv) Music Studies;
 - (v) Theatre, Level I, II, III, or IV;
 - (vi) Musical Theatre, Level I, II, III, or IV;
 - (vii) Technical Theatre, Level I, II, III, or IV;
 - (viii) IB Film Standard or Higher Level;
 - (ix) [~~viii~~] Floral Design;
 - (x) [~~ix~~] Digital Art and Animation; and
 - (xi) [~~x~~] 3-D Modeling and Animation.
 - (B) In accordance with local district policy, credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled. The district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in fine arts. Approval may be granted if the fine arts program provides instruction in the essential knowledge and skills identified for a fine arts course as defined by Chapter 117, Subchapter C, of this title (relating to High School, Adopted 2013).
- (c)-(d) (No change.)

§74.13. Endorsements.

- (a)-(d) (No change.)
- (e) To earn an endorsement a student must demonstrate proficiency in the following.
 - (1) The curriculum requirements for the Foundation High School Program as defined by §74.12 of this title (relating to Foundation High School Program).
 - (2) A fourth credit in mathematics that may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:
 - (A) Algebra II;
 - (B) Precalculus;
 - (C) Advanced Quantitative Reasoning;
 - (D) Independent Study in Mathematics;

- (E) Discrete Mathematics for Problem Solving;
 - (F) Algebraic Reasoning;
 - (G) Statistics;
 - (H) a comparable Advanced Placement (AP) or International Baccalaureate (IB) mathematics course that does not count toward another credit required for graduation;
 - (I) AP Computer Science A;
 - (J) IB Computer Science Higher Level;
 - (K) Engineering Mathematics;
 - (L) Statistics and Business Decision Making;
 - (M) Mathematics for Medical Professionals;
 - (N) Discrete Mathematics for Computer Science;
 - (O) pursuant to the Texas Education Code (TEC), §28.025(b-5), after the successful completion of Algebra II, a mathematics course 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. The Texas Education Agency (TEA) shall maintain a current list of courses offered under this subparagraph; and
 - (P) after the successful completion of Algebra I and Geometry, a locally developed mathematics course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1).
- (3) A student may complete a course listed in paragraph (2) of this subsection before or after completing a course listed in §74.12(b)(2)(A) of this title.
 - (4) The fourth mathematics credit may be a college preparatory mathematics course that is developed and offered pursuant to the TEC, §28.014.
 - (5) A single two-credit IB mathematics course may only satisfy one mathematics requirement.
 - (6) An additional credit in science that may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:
 - (A) Chemistry;
 - (B) Physics;
 - (C) Aquatic Science;
 - (D) Astronomy;
 - (E) Earth and Space Science;
 - (F) Environmental Systems;
 - (G) a comparable AP or IB science course that does not count toward another credit required for graduation;
 - (H) Advanced Animal Science;
 - (I) Advanced Plant and Soil Science;
 - (J) Anatomy and Physiology;
 - (K) Medical Microbiology;
 - (L) Pathophysiology;

- (M) Food Science;
 - (N) Forensic Science;
 - (O) Biotechnology I;
 - (P) Biotechnology II;
 - (Q) Principles of Technology;
 - (R) Scientific Research and Design;
 - (S) Engineering Design and Problem Solving;
 - (T) Engineering Science;
 - (U) pursuant to the TEC, §28.025(b-5), after the successful completion of physics, a science course 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. The TEA shall maintain a current list of courses offered under this subparagraph;
 - (V) a locally developed science course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1);
 - (W) pursuant to the TEC, §28.025(c-3), a student pursuing an arts and humanities endorsement who has the written permission of the student's parent or a person standing in parental relation to the student may substitute a course that is not being used to satisfy another specific graduation requirement selected from:
 - (i) Chapter 110 of this title (relating to Texas Essential Knowledge and Skills for English Language Arts and Reading);
 - (ii) Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies) or Chapter 118 of this title (relating to Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and Its Benefits);
 - (iii) Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English); or
 - (iv) Chapter 117 of this title (relating to Texas Essential Knowledge and Skills for Fine Arts); and
 - (X) credit may not be earned for both physics and Principles of Technology to satisfy science credit requirements.
 - (Y) A single two-credit IB science course may only satisfy one science requirement.
- (7) Two additional elective credits that may be selected from the list of courses specified in §74.11(g) or (h) of this title (relating to High School Graduation Requirements).
- (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), or CTE innovative courses approved by the commissioner of education.

The final course in the sequence must be selected from Chapter 130, 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

- (B) a coherent sequence of four credits in computer science selected from the following:
 - (i) Fundamentals of Computer Science; or
 - (ii) Computer Science I; or
 - (iii) Computer Science II; or
 - (iv) Computer Science III; or
 - (v) Digital Forensics; or
 - (vi) Discrete Mathematics for Computer Science; or
 - (vii) Game Programming and Design; or
 - (viii) Mobile Application Development; or
 - (ix) Robotics Programming and Design; or
 - (x) Independent Studies in Technology Applications; or
 - (xi) AP Computer Science A; or
 - (xii) AP Computer Science Principles; or
 - (xiii) IB Computer Science, Standard Level; or
 - (xiv) IB Computer Science, Higher Level; or
 - (C) three credits in mathematics by successfully completing Algebra II and two additional mathematics courses for which Algebra II is a prerequisite by selecting courses from subsection (e)(2) of this section; or
 - (D) four credits in science by successfully completing chemistry, physics, and two additional science courses by selecting courses from subsection (e)(6) [~~(e)(5)~~] of this section; or
 - (E) a coherent sequence of four courses in cybersecurity to consist of Foundations in Cybersecurity and Cybersecurity Capstone and two additional courses to be selected from the following:
 - (i) AP Computer Science A; or
 - (ii) Computer Science I; or
 - (iii) AP Computer Science Principles; or
 - (iv) Digital Forensics; or
 - (v) Computer Maintenance; or
 - (vi) Internetworking Technologies I; or
 - (vii) Internetworking Technologies II; or
 - (viii) Networking; or
 - (F) [~~(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 130, Subchapter I, 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) 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)-(x) of this subparagraph; or
- (B) 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) four technology applications credits by selecting from the following:
- (i) Digital Design and Media Production; or
 - (ii) Digital Art and Animation; or
 - (iii) 3-D Modeling and Animation; or
 - (iv) Digital Communications in the 21st Century; or
 - (v) Digital Video and Audio Design; or
 - (vi) Web Communications; or
 - (vii) Web Design; or
 - (viii) Web Game Development; or
 - (ix) Independent Study in Evolving/Emerging Technologies; or

- (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 130, Subchapter E, of this title (relating to Education and Training); or
 - (ii) Chapter 130, Subchapter G, of this title (relating to Government and Public Administration); or
 - (iii) Chapter 130, Subchapter H, of this title (relating to Health Science); or
 - (iv) Chapter 130, Subchapter J, of this title (relating to Human Services); or
 - (v) Chapter 130, Subchapter L, of this title (relating to Law, Public Safety, Corrections, and Security); or
 - (vi) 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
 - (B) four courses in Junior Reserve Officer Training Corps (JROTC).
- (4) Arts and humanities. A student may earn an arts and humanities endorsement by completing the requirements specified in subsection (e) of this section and:
- (A) five social studies credits by selecting courses from Chapter 113 of this title or Chapter 118 of this title (relating to Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and Its Benefits); or
 - (B) four levels of the same language in a language other than English by selecting courses in accordance with Chapter 114 of this title, which may include Advanced Language for Career Applications; or
 - (C) two levels of the same language in a language other than English and two levels of a different language in a language other than English by selecting courses in accordance with Chapter 114 of this title; or
 - (D) four levels of American sign language by selecting courses in accordance with Chapter 114 of this title; or
 - (E) a coherent sequence of four credits by selecting courses from one or two categories or disciplines in fine arts from Chapter 117 of this title or innovative courses approved by the commissioner; or
 - (F) four English credits by selecting from the following:
 - (i) English IV; or
 - (ii) Independent Study in English; or
 - (iii) Literary Genres; or
 - (iv) Creative Writing; or
 - (v) Research and Technical Writing; or
 - (vi) Humanities; or
 - (vii) Communication Applications; or

- (viii) AP English Literature and Composition; or
 - (ix) AP English Language and Composition; or
 - (x) IB Language Studies A: Language and Literature Standard Level; or
 - (xi) IB Language Studies A: Language and Literature Higher Level; or
 - (xii) IB Language Studies A: Literature Standard Level; or
 - (xiii) IB Language Studies A: Literature Higher Level; or
 - (xiv) IB Literature and Performance Standard Level.
- (5) Multidisciplinary studies. A student may earn a multidisciplinary studies endorsement by completing the requirements specified in subsection (e) of this section and:
- (A) four advanced courses that prepare a student to enter the workforce successfully or postsecondary education without remediation from within one endorsement area or among endorsement areas that are not in a coherent sequence; or
 - (B) four credits in each of the four foundation subject areas to include chemistry and/or physics and English IV or a comparable AP or IB English course; or
 - (C) four credits in Advanced Placement, International Baccalaureate, or dual credit selected from English, mathematics, science, social studies, economics, languages other than English, or fine arts.
- (g) (No change.)

Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.51, Foundations of Cybersecurity (One Credit), and §126.52, Cybersecurity Capstone (One Credit)
(Second Reading and Final Adoption)

April 5, 2019

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

SUMMARY: This item presents for second reading and final adoption proposed new 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.51, Foundations of Cybersecurity (One Credit), and §126.52, Cybersecurity Capstone (One Credit). The proposal would add Texas Essential Knowledge and Skills (TEKS) for two new technology applications courses in cybersecurity for implementation in the 2019-2020 school year. No changes are recommended since approved for first reading.

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

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

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

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

TEC, §28.002(f)(2), requires the SBOE to approve courses in cybersecurity for credit for high school graduation.

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, and to designate the specific courses in the foundation curriculum that are required under the foundation high school program.

TEC, §28.025(c-1)(1), establishes that an endorsement may be earned in science, technology, engineering, and mathematics (STEM), which includes courses related to science, including environmental science; technology, including computer science, cybersecurity, and computer coding; engineering; and advanced mathematics.

TEC, §28.025(c-10), requires the SBOE to adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the STEM endorsement.

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

EFFECTIVE DATE: The proposed effective date of the proposed new rules is August 1, 2019. 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 2019-2020 school

year. The earlier effective date will allow districts of innovation that begin school prior to the statutorily required start date to implement the new rules when they begin their school year.

PREVIOUS BOARD ACTION: The SBOE adopted the technology applications TEKS effective September 1, 1998. In April 2011, the SBOE adopted revisions to the technology applications TEKS effective September 26, 2011. Proposed new 19 TAC §126.51 and §126.52 were approved for first reading and filing authorization at the January-February 2019 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The 85th Texas Legislature, Regular Session, 2017, passed House Bill (HB) 3593, adding TEC, §28.002(f)(2), to require that the SBOE approve courses in cybersecurity for credit for high school graduation. HB 3593 amended TEC, §28.025(c-1)(1), to add cybersecurity and computer coding to the courses to be included in a STEM endorsement. HB 3593 also added TEC, §28.025(c)(10), to require that the SBOE adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the STEM endorsement.

In spring 2015, a new Principles in Cybersecurity innovative course was approved by the commissioner of education for use beginning with the 2016-2017 school year. School districts and open-enrollment charter schools may offer any state-approved innovative course for elective credit with the approval of the local board of trustees.

In August 2018, a committee of secondary and postsecondary educators and business and industry representatives was selected to develop recommended TEKS for new cybersecurity courses for the pathway. The committee convened for the first face-to-face meeting in Austin in September 2018 to begin working on recommendations for a TEKS-based foundational course in cybersecurity based on the Principles in Cybersecurity innovative course. The committee participated in an additional face-to-face meeting in October 2018 to develop recommendations for a second cybersecurity course that would serve as a capstone for the cybersecurity pathway. At the November 2018 meeting, the SBOE discussed proposed new 19 TAC §126.51 and §126.52. Draft TEKS for the proposed new courses were sent to interested stakeholders to provide feedback in December 2018. In January 2019, the committee participated in another face-to-face meeting to review comments provided by interested stakeholders and to finalize recommendations for the two cybersecurity courses. At the January-February 2019 SBOE meeting, the board approved for first reading and filing authorization proposed new 19 TAC §126.51 and §126.52.

The attachment to this item reflects the text of proposed new 19 TAC §126.51 and §126.52 for consideration by the SBOE for second reading and final adoption. No changes are recommended since approved for first reading.

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

The Texas Education Agency (TEA) has determined that the proposed new rules would have fiscal implications for state government. For fiscal year 2019, the estimated cost to TEA to reimburse committee members for travel to develop new cybersecurity TEKS is \$10,000. There would also be implications for the TEA if the state creates professional development to help teachers and administrators understand the new TEKS. Any professional development that is created would be based on whether TEA receives an appropriation for professional development in the next biennium.

The proposed new rules may have fiscal implications for school districts and charter schools to implement the new TEKS. The costs may include the need for professional development and revisions to district-developed databases, curriculum, and scope and sequence documents. Since curriculum and instruction

decisions are made at the local district level, it is difficult to estimate the fiscal impact on any given district.

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. 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 proposal would add two new TEKS-based courses for students and would increase flexibility in meeting graduation 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 proposal would have no new data and reporting impact.

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

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

PUBLIC COMMENTS: Following the January-February 2019 SBOE meeting, notice of proposed new 19 TAC §126.51 and §126.52 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began February 22, 2019, and ended March 29, 2019. No comments had been received at the time this item was prepared. A summary of any public comments received regarding the proposal will be provided to the SBOE prior to and during the April 2019 meeting. The SBOE will take registered oral and written comments on the proposal at the committee meeting in April 2019 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 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.51, Foundations of Cybersecurity (One Credit), and §126.52, Cybersecurity Capstone (One Credit); and

Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.51, Foundations of Cybersecurity (One Credit), and §126.52, Cybersecurity Capstone (One Credit), is necessary and shall have an effective date of August 1, 2019. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

Staff Members Responsible:

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

Attachment: Text of Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.51, Foundations of Cybersecurity (One Credit), and §126.52, Cybersecurity Capstone (One Credit)

ATTACHMENT
Text of Proposed New 19 TAC

Chapter 126. Texas Essential Knowledge and Skills for Technology Applications

Subchapter C. High School

§126.51. Foundations of Cybersecurity (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course is recommended for students in Grades 9-12.
- (b) 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) Cybersecurity is an evolving discipline concerned with safeguarding computers, networks, programs, and data from unauthorized access. As a field, it has gained prominence with the emergence of a globally-connected society. As computing has become more sophisticated, so too have the abilities of malicious agents looking to penetrate networks and seize private information. By evaluating prior incidents, cybersecurity professionals have the ability to craft appropriate responses to minimize disruptions to corporations, governments, and individuals.
 - (3) In the Foundations of Cybersecurity course, students will develop the knowledge and skills needed to explore fundamental concepts related to the ethics, laws, and operations of cybersecurity. Students will examine trends and operations of cyberattacks, threats, and vulnerabilities. Students will review and explore security policies designed to mitigate risks. The skills obtained in this course prepare students for additional study in cybersecurity. A variety of courses are available to students interested in this field. Foundations of Cybersecurity may serve as an introductory course in this field of study.
 - (4) 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.
- (c) Knowledge and skills.
- (1) Employability skills. The student demonstrates necessary skills for career development and successful completion of course outcomes. The student is expected to:
 - (A) identify and demonstrate employable work behaviors such as regular attendance, punctuality, maintenance of a professional work environment, and effective written and verbal communication;
 - (B) identify and demonstrate positive personal qualities such as authenticity, resilience, initiative, and a willingness to learn new knowledge and skills;
 - (C) solve problems and think critically;
 - (D) demonstrate leadership skills and function effectively as a team member; and
 - (E) demonstrate an understanding of ethical and legal responsibilities in relation to the field of cybersecurity.
 - (2) Employability skills. The student identifies various employment opportunities and requirements in the cybersecurity field. The student is expected to:
 - (A) identify job and internship opportunities as well as accompanying duties and tasks;
 - (B) research careers in cybersecurity and information assurance along with the education and job skills required for obtaining a job in both the public and private sectors;

- (C) identify and discuss certifications for cybersecurity-related careers; and
 - (D) research and develop resumes, digital portfolios, or professional profiles in the cybersecurity field.
- (3) Ethics and laws. The student understands ethical and current legal standards, rights and restrictions governing technology, technology systems, digital media, and the use of social media. The student is expected to:
- (A) demonstrate and advocate for ethical and legal behaviors both online and offline among peers, family, community, and employers;
 - (B) research local, state, national, and international cyber law such as the PATRIOT Act of 2001, General Data Protection Regulation, and Digital Millennium Copyright Act;
 - (C) research historic cases or events regarding cyber;
 - (D) demonstrate an understanding of ethical and legal behavior when presented with various scenarios related to cyber activities;
 - (E) define and identify techniques such as hacking, phishing, social engineering, online piracy, spoofing, and data vandalism; and
 - (F) identify and use appropriate methods for citing sources.
- (4) Ethics and laws. The student identifies the consequences of ethical versus malicious hacking. The student is expected to:
- (A) identify motivations for hacking;
 - (B) identify and describe the impact of cyberattacks on the global community, society, and individuals;
 - (C) distinguish between a cyber attacker and a cyber defender;
 - (D) differentiate types of hackers such as black hats, white hats, and gray hats;
 - (E) determine possible outcomes and legal ramifications of ethical versus malicious hacking practices; and
 - (F) debate the varying perspectives of ethical versus malicious hacking.
- (5) Ethics and laws. The student identifies and defines cyberterrorism and counterterrorism. The student is expected to:
- (A) define cyberterrorism, state-sponsored cyberterrorism, and hacktivism;
 - (B) compare and contrast physical terrorism and cyberterrorism, including domestic and foreign actors;
 - (C) define and explain intelligence gathering and counterterrorism;
 - (D) identify the role of cyber defenders in protecting national interests and corporations;
 - (E) identify the role of cyber defense in society and the global economy; and
 - (F) explain the importance of protecting public infrastructures such as electrical power grids, water systems, pipelines, transportation, and nuclear plants.
- (6) Digital citizenship. The student understands and demonstrates the social responsibility of end users regarding significant issues related to digital technology, digital hygiene, and cyberbullying. The student is expected to:
- (A) identify and understand the nature and value of privacy;
 - (B) analyze the positive and negative implications of a digital footprint and the maintenance and monitoring of an online presence;

- (C) discuss the role and impact of technology on privacy;
 - (D) identify the signs, emotional effects, and legal consequences of cyberbullying and cyberstalking; and
 - (E) identify and discuss effective ways to prevent, deter, and report cyberbullying.
- (7) Cybersecurity skills. The student understands basic cybersecurity concepts and definitions. The student is expected to:
- (A) define information security and cyber defense;
 - (B) identify basic risk management and risk assessment principles related to cybersecurity threats and vulnerabilities;
 - (C) explain the fundamental concepts of confidentiality, integrity, availability, authentication, and authorization;
 - (D) describe the inverse relationship between privacy and security;
 - (E) identify and analyze cybersecurity breaches and incident responses;
 - (F) identify and analyze security concerns in areas such as physical, network, cloud, and web;
 - (G) define and discuss challenges faced by cybersecurity professionals;
 - (H) identify common risks, alerts, and warning signs of compromised computer and network systems;
 - (I) understand and explore the vulnerability of network-connected devices; and
 - (J) use appropriate cybersecurity terminology.
- (8) Cybersecurity skills. The student understands and explains various types of malicious software (malware). The student is expected to:
- (A) define malware, including spyware, ransomware, viruses, and rootkits;
 - (B) identify the transmission and function of malware such as Trojans, worms, and viruses;
 - (C) discuss the impact malware has had on the cybersecurity landscape;
 - (D) explain the role of reverse engineering for detecting malware and viruses;
 - (E) compare free and commercial antivirus software alternatives; and
 - (F) compare free and commercial anti-malware software alternatives.
- (9) Cybersecurity skills. The student understands and demonstrates knowledge of techniques and strategies to prevent a system from being compromised. The student is expected to:
- (A) define system hardening;
 - (B) demonstrate basic use of system administration privileges;
 - (C) explain the importance of patching operating systems;
 - (D) explain the importance of software updates;
 - (E) describe standard practices to configure system services;
 - (F) explain the importance of backup files; and
 - (G) research and understand standard practices for securing computers, networks, and operating systems.
- (10) Cybersecurity skills. The student understands basic network operations. The student is expected to:

- (A) identify basic network addressing and devices, including switches and routers;
 - (B) analyze incoming and outgoing rules for traffic passing through a firewall;
 - (C) identify well known ports by number and service provided, including port 22 (ssh), port 80 (http), and port 443 (https);
 - (D) identify commonly exploited ports and services, including ports 20 and 21 (ftp) and port 23 (telnet); and
 - (E) identify common tools for monitoring ports and network traffic.
- (11) Cybersecurity skills. The student identifies standard practices of system administration. The student is expected to:
- (A) define what constitutes a secure password;
 - (B) create a secure password policy, including length, complexity, account lockout, and rotation;
 - (C) identify methods of password cracking such as brute force and dictionary attacks; and
 - (D) examine and configure security options to allow and restrict access based on user roles.
- (12) Cybersecurity skills. The student demonstrates necessary steps to maintain user access on the computer system. The student is expected to:
- (A) identify the different types of user accounts and groups on an operating system;
 - (B) explain the fundamental concepts and standard practices related to access control, including authentication, authorization, and accounting;
 - (C) compare methods for single- and dual-factor authentication such as passwords, biometrics, personal identification numbers (PINs), and security tokens;
 - (D) define and explain the purpose of an air-gapped computer; and
 - (E) explain how hashes and checksums may be used to validate the integrity of transferred data.
- (13) Cybersecurity skills. The student explores the field of digital forensics. The student is expected to:
- (A) explain the importance of digital forensics to law enforcement, government agencies, and corporations;
 - (B) identify the role of chain of custody in digital forensics;
 - (C) explain the four steps of the forensics process, including collection, examination, analysis, and reporting;
 - (D) identify when a digital forensics investigation is necessary;
 - (E) identify information that can be recovered from digital forensics investigations such as metadata and event logs; and
 - (F) analyze the purpose of event logs and identify suspicious activity.
- (14) Cybersecurity skills. The student explores the operations of cryptography. The student is expected to:
- (A) explain the purpose of cryptography and encrypting data;
 - (B) research historical uses of cryptography; and
 - (C) review simple cryptography methods such as shift cipher and substitution cipher.
- (15) Risk assessment. The student understands information security vulnerabilities, threats, and computer attacks. The student is expected to:

- (A) define and describe vulnerability, payload, exploit, port scanning, and packet sniffing as they relate to hacking;
 - (B) define and describe cyberattacks, including man-in-the-middle, distributed denial of service, and spoofing;
 - (C) explain how computer vulnerabilities leave systems open to cyberattacks;
 - (D) identify threats to systems such as back-door attacks and insider threats;
 - (E) differentiate types of social engineering attacks such as phishing, shoulder surfing, hoaxes, and dumpster diving;
 - (F) explain how users are the most common vehicle for compromising a system at the application level; and
 - (G) identify various types of application-specific attacks.
- (16) Risk assessment. The student understands, identifies, and explains the strategies and techniques of both ethical and malicious hackers. The student is expected to:
- (A) identify internal and external threats to computer systems;
 - (B) identify the capabilities of vulnerability assessment tools, including open source tools; and
 - (C) explain the concept of penetration testing, tools, and techniques.
- (17) Risk assessment. The student evaluates the risks of wireless networks. The student is expected to:
- (A) compare risks associated with connecting devices to public and private wireless networks;
 - (B) explain device vulnerabilities and security solutions on a wireless network;
 - (C) compare wireless encryption protocols;
 - (D) debate the broadcasting or hiding of a wireless service set identifier (SSID); and
 - (E) research and discuss wireless threats such as MAC spoofing and war driving.
- (18) Risk assessment. The student analyzes threats to computer applications. The student is expected to:
- (A) define application security;
 - (B) identify methods of application security such as secure development practices;
 - (C) discuss methods of online spoofing such as web links in email, instant messaging, social media, and other online communication with malicious links;
 - (D) explain the purpose and function of vulnerability scanners;
 - (E) explain how coding errors may create system vulnerabilities; and
 - (F) analyze the risks of distributing insecure programs.
- (19) Risk assessment. The student understands the implications of sharing information and access with others. The student is expected to:
- (A) describe the impact of granting applications unnecessary permissions;
 - (B) describe the risks of granting third parties access to personal and proprietary data on social media and systems; and
 - (C) describe the risks involved with accepting Terms of Service (ToS) or End User License Agreements (EULA) without a basic understanding of the terms or agreements.

§126.52. Cybersecurity Capstone (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course is recommended for students in Grades 11 and 12. Recommended prerequisite: Foundations of Cybersecurity.
- (b) 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 foundations.
 - (2) Cybersecurity is an evolving discipline concerned with safeguarding computers, networks, programs, and data from unauthorized access. As a field, it has gained prominence with the emergence of a globally-connected society. As computing has become more sophisticated, so too have the abilities of malicious agents looking to penetrate networks and seize private information. By evaluating prior incidents, cybersecurity professionals have the ability to craft appropriate responses to minimize disruptions to corporations, governments, and individuals.
 - (3) In the Cybersecurity Capstone course, students will develop the knowledge and skills needed to explore advanced concepts related to the ethics, laws, and operations of cybersecurity. Students will examine trends and operations of cyberattacks, threats, and vulnerabilities. Students will develop security policies to mitigate risks. The skills obtained in this course prepare students for additional study toward industry certification. A variety of courses are available to students interested in the cybersecurity field. Cybersecurity Capstone may serve as a culminating course in this field of study.
 - (4) 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.
- (c) Knowledge and skills.
- (1) Employability skills. The student demonstrates necessary skills for career development and successful completion of course outcomes. The student is expected to:
 - (A) identify and demonstrate employable work behaviors such as regular attendance, punctuality, maintenance of a professional work environment, and effective written and verbal communication;
 - (B) identify and demonstrate positive personal qualities such as authenticity, resilience, initiative, and a willingness to learn new knowledge and skills;
 - (C) solve problems and think critically;
 - (D) demonstrate leadership skills and function effectively as a team member; and
 - (E) demonstrate an understanding of ethical and legal responsibilities in relation to the field of cybersecurity.
 - (2) Employability skills. The student identifies various employment opportunities in the cybersecurity field. The student is expected to:
 - (A) develop a personal career plan along with the education, job skills, and experience necessary to achieve career goals;
 - (B) develop a resume or a portfolio appropriate to a chosen career plan; and
 - (C) illustrate interview skills for successful job placement.
 - (3) Ethics and laws. The student evaluates ethical and current legal standards, rights and restrictions governing technology, technology systems, digital media and information technology, and the use of social media in the context of today's society. The student is expected to:
 - (A) analyze and apply to a scenario local, state, national, and international cyber law such as David's Law and Digital Millennium Copyright Act;

- (B) evaluate historic cases or events regarding cyber; and
 - (C) explore compliance requirements such as Section 508 of the Rehabilitation Act of 1973, Family Educational Rights and Privacy Act of 1974 (FERPA), Health Insurance Portability and Accountability Act of 1996 (HIPAA), and Gramm-Leach-Bliley Act (GLBA).
- (4) Digital citizenship. The student understands and demonstrates the social responsibility of end users regarding significant issues relating to digital technology, safety, digital hygiene, and cyberbullying. The student is expected to:
 - (A) debate the relationship between privacy and security; and
 - (B) identify ethical or unethical behavior when presented with various scenarios related to cyber activities.
- (5) Cybersecurity skills. The student explains the importance and process of penetration testing. The student is expected to:
 - (A) define the phases of penetration testing, including plan, discover, attack, and report;
 - (B) develop a plan to gain authorization for penetration testing;
 - (C) identify commonly used vulnerability scanning tools such as port scanning, packet sniffing, and password crackers;
 - (D) develop a list of exploits based on results of scanning tool reports; and
 - (E) prioritize a list of mitigations based on results of scanning tool reports.
- (6) Cybersecurity skills. The student understands common cryptographic methods. The student is expected to:
 - (A) evaluate symmetric and asymmetric algorithms such as substitution cipher, Advanced Encryption Standard (AES), Diffie-Hellman, and Rivest-Shamir-Adleman (RSA);
 - (B) explain the purpose of hashing algorithms, including blockchain;
 - (C) explain the function of password salting;
 - (D) explain and create a digital signature; and
 - (E) explain steganography.
- (7) Cybersecurity skills. The student understands the concept of cyber defense. The student is expected to:
 - (A) explain the purpose of establishing system baselines;
 - (B) evaluate the role of physical security;
 - (C) evaluate the functions of network security devices such as firewalls, intrusion detection systems (IDS), intrusion prevention systems (IPS), and intrusion detection prevention systems (IDPS);
 - (D) analyze log files for anomalies; and
 - (E) develop a plan demonstrating the concept of defense in depth.
- (8) Cybersecurity skills. The student demonstrates an understanding of secure network design. The student is expected to:
 - (A) explain the benefits of network segmentation, including sandboxes, air gaps, and virtual local area networks (VLAN);
 - (B) investigate the role of software-managed networks, including virtualization;
 - (C) discuss the role of honeypots and honeynets in networks; and

- (D) create an incoming and outgoing network policy for a firewall.
- (9) Cybersecurity skills. The student integrates principles of digital forensics. The student is expected to:
 - (A) identify cyberattacks by their signatures;
 - (B) explain proper data acquisition;
 - (C) examine evidence from devices for suspicious activities; and
 - (D) research current cybercrime cases involving digital forensics.
- (10) Cybersecurity skills. The student explores emerging technology. The student is expected to:
 - (A) describe the integration of artificial intelligence and machine learning in cybersecurity;
 - (B) investigate impacts made by predictive analytics on cybersecurity; and
 - (C) research other emerging trends such as augmented reality and quantum computing.
- (11) Cybersecurity skills. The student uses various operating system environments. The student is expected to:
 - (A) issue commands via the command line interface (CLI) such as ls, cd, pwd, cp, mv, chmod, ps, sudo, and passwd;
 - (B) describe the file system structure for multiple operating systems;
 - (C) manipulate and edit files within the CLI; and
 - (D) determine network status using the CLI with commands such as ping, ifconfig/ipconfig, traceroute/tracert, and netstat.
- (12) Cybersecurity skills. The student clearly and effectively communicates technical information. The student is expected to:
 - (A) collaborate with others to create a technical report;
 - (B) create, review, and edit a report summarizing technical findings; and
 - (C) present technical information to a non-technical audience.
- (13) Risk assessment. The student analyzes various types of threats, attacks, and vulnerabilities. The student is expected to:
 - (A) differentiate types of attacks, including operating systems, software, hardware, network, physical, social engineering, and cryptographic;
 - (B) explain blended threats such as combinations of software, hardware, network, physical, social engineering, and cryptographic;
 - (C) discuss risk response techniques, including accept, transfer, avoid, and mitigate;
 - (D) develop a plan of preventative measures to address cyberattacks;
 - (E) describe common web vulnerabilities such as cross-site scripting, buffer overflow, injection, spoofing, and denial of service;
 - (F) describe common data destruction and media sanitation practices such as wiping, shredding, and degaussing; and
 - (G) develop an incident response plan for a given scenario or recent attack.
- (14) Risk assessment. The student understands risk management processes and concepts. The student is expected to:
 - (A) describe various access control methods such as mandatory access control (MAC), role-based access control (RBAC), and discretionary access control (DAC);

- (B) develop and defend a plan for multi-factor access control using components such as biometric verification systems, key cards, tokens, and passwords; and
 - (C) review a disaster recovery plan (DRP) that includes backups, redundancies, system dependencies, and alternate sites.
- (15) Risk assessment. The student investigates the role and effectiveness of environmental controls. The student is expected to:
- (A) explain commonly used physical security controls, including lock types, fences, barricades, security doors, and mantraps; and
 - (B) describe the role of embedded systems such as fire suppression; heating, ventilation, and air conditioning (HVAC) systems; security alarms; and video monitoring.

Proposed Repeal and New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.36, Digital Forensics (One-Half to One Credit), Beginning with School Year 2012-2013
(First Reading and Filing Authorization)

April 5, 2019

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

SUMMARY: This item presents for first reading and filing authorization proposed repeal and new 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.36, Digital Forensics (One-Half to One Credit), Beginning with School Year 2012-2013. The proposed repeal and new rule would update the Texas Essential Knowledge and Skills (TEKS) for the Digital Forensics course and would update the amount of credit available for the course.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), and (f)(2); and 28.025(a), (c-1)(1), and (c-10).

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

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

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

TEC, §28.002(f)(2), requires the SBOE to approve courses in cybersecurity for credit for high school graduation.

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(c-1)(1), establishes that an endorsement may be earned in science, technology, engineering, and mathematics (STEM), which includes courses related to science, including environmental science; technology, including computer science, cybersecurity, and computer coding; engineering; and advanced mathematics.

TEC, §28.025(c-10), requires the SBOE to adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the science, technology, engineering, and mathematics endorsement.

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

EFFECTIVE DATE: The proposed effective date of the proposed repeal and new rule is August 1, 2019. 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 2020-

2021 school year. The earlier effective date will make the updated course available to students beginning with the 2019-2020 school year.

PREVIOUS BOARD ACTION: The SBOE adopted the technology applications TEKS effective September 1, 1998. In April 2011, the SBOE adopted revisions to the technology applications TEKS effective September 26, 2011.

BACKGROUND INFORMATION AND JUSTIFICATION: The 85th Texas Legislature, Regular Session, 2017, passed House Bill (HB) 3593, adding TEC, §28.002(f)(2), to require that the SBOE approve courses in cybersecurity for credit for high school graduation. HB 3593 amended TEC, §28.025(c-1)(1), to add cybersecurity and computer coding to the courses to be included in a STEM endorsement. HB 3593 also added TEC, §28.025(c)(10), to require that the SBOE adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the STEM endorsement.

In August 2018, a committee of secondary and postsecondary educators and business and industry representatives was selected to develop recommendations for TEKS for new cybersecurity courses for the required pathway. The committee convened for the first face-to-face meeting in Austin in September 2018 to begin working on recommendations for a TEKS-based foundational course in cybersecurity based on a Principles in Cybersecurity innovative course. The committee participated in an additional face-to-face meeting in October 2018 to develop recommendations for a second cybersecurity course that would serve as a capstone for the cybersecurity pathway. At the November 2018 meeting, the SBOE discussed proposed new TEKS for the new courses, and in December 2018 draft TEKS for the proposed courses were sent to interested stakeholders to provide feedback. In January 2019, the committee participated in another face-to-face meeting to review comments provided by interested stakeholders and to finalize recommendations for the TEKS for the two new courses.

At the January-February 2019 meeting, the SBOE approved for first reading and filing authorization proposed new TEKS for Foundations of Cybersecurity and Cybersecurity Capstone. At that meeting, the SBOE agreed with the cybersecurity TEKS committee's suggestion to make additional recommendations for amendments to the Digital Forensics course. In March 2019, the committee participated in another face-to-face meeting to review and make recommendations for adjustments to the Digital Forensics course.

The proposed rule action was not presented as a discussion item. The SBOE, however, may wish to consider this item for first reading and filing authorization as authorized under its operating procedures. Therefore, this item is presented for first reading and filing authorization consideration at this meeting. It is recommended that the SBOE consider this item for first reading and filing authorization to ensure that the revised TEKS for Digital Forensics can be implemented in the 2019-2020 school year.

The text of the proposed repeal and new 19 TAC §126.36 for consideration by the SBOE for first reading and filing authorization will be provided as a separate exhibit at the April 2019 SBOE meeting.

FISCAL IMPACT: Texas Education Agency (TEA) has determined that the proposal would have fiscal implications for state government. For fiscal year 2019, the estimated cost to the TEA to reimburse the cybersecurity TEKS committee members for travel to review the TEKS is \$10,000. There would also be implications for the TEA if the state creates professional development to help teachers and administrators understand the revised TEKS. Any professional development that is created would be based on whether the TEA receives an appropriation for professional development in the next biennium.

The proposal may have fiscal implications for school districts and charter schools to implement the revised TEKS. The costs 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 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 not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: The proposal would revise the Digital Forensics course and would better align with the proposed cybersecurity pathway to increase flexibility for students in meeting graduation requirements. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins May 3, 2019, and ends June 7, 2019. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2019 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 3, 2019.

MOTION TO BE CONSIDERED: The State Board of Education:

Suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and

Approve for first reading and filing authorization proposed repeal and new 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.36, Digital Forensics (One-Half to One Credit), Beginning with School Year 2012-2013.

Staff Members Responsible:

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

Separate Exhibit: Text of Proposed Repeal and New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.36, Digital Forensics (One-Half to One Credit), Beginning with School Year 2012-2013
(to be provided at the April 2019 SBOE meeting)

Proposed Revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language
(First Reading and Filing Authorization)

April 5, 2019

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

SUMMARY: This item presents for first reading and filing authorization proposed revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter A, Elementary, §§110.1-110.7, Subchapter B, Middle School, §§110.21-110.24, and Subchapter C, High School, §§110.36-110.39, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter A, Elementary, §§128.1-128.7, Subchapter B, Middle School, §§128.20-128.23, and Subchapter C, High School, §128.34 and §128.35, to make adjustments to align with recent revisions to the college and career readiness standards (CCRS) and to make technical adjustments, including the correction of inconsistencies that have been identified. This item also presents for first reading and filing authorization proposed repeal of 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter A, Elementary, §§110.10-110.16, and Subchapter B, Middle School, §§110.17-110.20, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter A, Elementary, §§128.10-128.16, and Subchapter B, Middle School, §128.17 and §128.18. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) adopted to be effective in 2009 for elementary and middle school English and Spanish language arts and reading and related implementation language that will be superseded by new 19 TAC §§110.1-110.7, 110.21-110.24, 128.1-128.7, and 128.20-128.23 beginning with the 2019-2020 school year.

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

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

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

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

TEC, §28.002(t), requires the SBOE, in consultation with the commissioner of higher education and business and industry leaders, to develop an advanced language course that a school district may use 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.

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

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

EFFECTIVE DATE: The proposed effective date of the proposed revisions to 19 TAC Chapter 110 and Chapter 128 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 2020-2021 school year. The earlier effective date will enable districts to finish preparing for the implementation of the revised English and Spanish language arts and reading TEKS.

PREVIOUS BOARD ACTION: The SBOE adopted the TEKS for English language arts and reading and Spanish language arts and reading and English as a second language effective September 1, 1998. Amendments to the TEKS for English language arts and reading were adopted effective September 4, 2008, and August 22, 2011. Amendments to the TEKS for Spanish language arts and reading and English as a second language were adopted effective November 26, 2008. In April 2014, the board began the review and revision of the English and Spanish language arts and reading TEKS. At the April 2017 meeting, the SBOE approved for second reading and final adoption proposed revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter A, Elementary, and Subchapter B, Middle School, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter A, Elementary, and Subchapter B, Middle School, with an implementation date of the 2019-2020 school year. At the June 2017 SBOE meeting, the board approved for second reading and final adoption proposed revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter C, High School, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter C, High School, with an implementation date of the 2020-2021 school year.

BACKGROUND INFORMATION AND JUSTIFICATION: In 2006, the 79th Texas Legislature required Texas Education Agency (TEA) and Texas Higher Education Coordinating Board (THECB) to establish vertical teams composed of public school educators and faculty from institutions of higher education to develop CCRS in the areas of English/language arts, mathematics, science, and social studies. The THECB adopted the CCRS in January 2008. The commissioner of education approved the CCRS, and the SBOE incorporated them into the TEKS as follows: English language arts and reading TEKS in 2008; mathematics and science TEKS in 2009; and social studies TEKS in 2010. In 2018, the THECB adopted updates to the CCRS for English/language arts and mathematics. The proposed revisions to 19 TAC Chapter 110 and Chapter 128 include the addition of student expectations to the TEKS to ensure complete alignment with the updated CCRS.

In 2017, the SBOE adopted revisions to the English and Spanish language arts and reading and English as a second language TEKS. The revised TEKS for elementary and middle school are scheduled to be implemented beginning with the 2019-2020 school year, and the revised TEKS for high school are scheduled to be implemented beginning with the 2020-2021 school year, depending on the availability of funding for instructional materials. Since the time of adoption, inconsistencies and necessary technical adjustments in the TEKS have been identified. The proposed revisions to 19 TAC Chapter 110 and Chapter 128 include making technical adjustments and clarifying student expectations.

Additionally, with the implementation of the revised English and Spanish language arts and reading TEKS for elementary and middle school scheduled for the 2019-2020 school year, the current TEKS in 19 TAC §§110.10-110.16 and 110.17-110.20 and 19 TAC §§128.10-128.18 are no longer needed and may now be repealed.

The proposed revisions were not presented as a discussion item. The SBOE, however, may wish to consider this item for first reading and filing authorization as authorized under its operating procedures. Therefore, this item is presented for first reading and filing authorization consideration at this meeting. It is recommended that the SBOE consider this item for first reading and filing authorization to ensure that the revisions can be implemented beginning with the 2019-2020 school year.

Attachment I reflects the text of proposed revisions to 19 TAC Chapter 110, Subchapters A-C, and Attachment II reflects the text of proposed revisions to 19 TAC Chapter 128, Subchapters A-C, for consideration by the SBOE for first reading and filing authorization.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: The proposal would include additional clarification of the reading language arts standards to avoid confusion. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins May 3, 2019, and ends June 7, 2019. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2019 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be

received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 3, 2019.

MOTION TO BE CONSIDERED: The State Board of Education:

Suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and

Approve for first reading and filing authorization proposed revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, and 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language.

Staff Members Responsible:

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

Attachment I: Text of Proposed Revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter A, Elementary, §§110.1-110.7 and 110.10-110.16, Subchapter B, Middle School, §§110.21-110.24 and 110.17-110.20, and Subchapter C, High School, §§110.36-110.39

Attachment II: Text of Proposed Revisions to 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter A, Elementary, §§128.1-128.7 and 128.10-128.16, Subchapter B, Middle School, §§128.17, 128.18, and 128.20-128.23, and Subchapter C, High School, §128.34 and §128.35

ATTACHMENT I
Text of Proposed Revisions to 19 TAC

Chapter 110. Texas Essential Knowledge and Skills for English Language Arts and Reading

Subchapter A. Elementary

§110.1. Implementation of Texas Essential Knowledge and Skills for English Language Arts and Reading, Elementary, Adopted 2017.

- (a) The provisions of this section and §§110.2-110.7 of this title shall be implemented by school districts.
- (b) No later than August 31, 2018, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills for English language arts and reading as adopted in §§110.2-110.7 of this title.
- (c) If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §§110.2-110.7 of this title shall be implemented beginning with the 2019-2020 school year and apply to the 2019-2020 and subsequent school years.
- (d) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that §§110.2-110.7 of this title shall be implemented for the following school year.

~~[(e) Sections 110.11-110.16 of this title shall be superseded by the implementation of this section and §§110.2-110.7 of this title.]~~

§110.2. English Language Arts and Reading, Kindergarten, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1)-(7) (No change.)
 - (8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
 - (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, fairy tales, and nursery rhymes;
 - (B) discuss rhyme and rhythm in nursery rhymes and a variety of poems;
 - (C) discuss main characters in drama;
 - (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea and supporting evidence with adult assistance;
 - (ii) titles and simple graphics to gain information; and
 - (iii) the steps in a sequence with adult assistance;
 - (E) recognize characteristics of persuasive text with adult assistance and state what the author is trying to persuade the reader to think or do; ~~and~~
 - (F) recognize characteristics of multimodal and digital texts ; ~~and~~ []

(G) discuss with adult assistance the characteristics of literary nonfiction.

(9)-(12) (No change.)

§110.3. English Language Arts and Reading, Grade 1, Adopted 2017.

(a) (No change.)

(b) Knowledge and skills.

(1)-(5) (No change.)

(6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts with adult assistance;
- (B) generate questions about text before, during, and after reading to deepen understanding and gain information with adult assistance;
- (C) make and [] correct [] or confirm predictions using text features, characteristics of genre, and structures with adult assistance;
- (D) create mental images to deepen understanding with adult assistance;
- (E) make connections to personal experiences, ideas in other texts, and society with adult assistance;
- (F) make inferences and use evidence to support understanding with adult assistance;
- (G) evaluate details to determine what is most important with adult assistance;
- (H) synthesize information to create new understanding with adult assistance; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, checking for visual cues, and asking questions when understanding breaks down.

(7)-(8) (No change.)

(9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, fairy tales, and nursery rhymes;
- (B) discuss rhyme, rhythm, repetition, and alliteration in a variety of poems;
- (C) discuss elements of drama such as characters and setting;
- (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea and supporting evidence with adult assistance;
 - (ii) features and simple graphics to locate or gain information; and
 - (iii) organizational patterns such as chronological order and description with adult assistance;
- (E) recognize characteristics of persuasive text with adult assistance and state what the author is trying to persuade the reader to think or do; and []
- (F) recognize characteristics of multimodal and digital texts ; and []
- (G) discuss with adult assistance the characteristics of literary nonfiction.

(10)-(13) (No change.)

§110.4. English Language Arts and Reading, Grade 2, Adopted 2017.

(a) (No change.)

(b) Knowledge and skills.

(1)-(5) (No change.)

(6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;
- (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
- (C) make and [x] correct [x] or confirm predictions using text features, characteristics of genre, and structures;
- (D) create mental images to deepen understanding;
- (E) make connections to personal experiences, ideas in other texts, and society;
- (F) make inferences and use evidence to support understanding;
- (G) evaluate details read to determine the main idea and key ideas;
- (H) synthesize information to create new understanding; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, checking for visual cues, and asking questions when understanding breaks down.

(7)-(8) (No change.)

(9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, and fairy tales;
- (B) explain visual patterns and structures in a variety of poems;
- (C) discuss elements of drama such as characters, dialogue, and setting;
- (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea and supporting evidence with adult assistance;
 - (ii) features and graphics to locate and gain information; and
 - (iii) organizational patterns such as chronological order and cause and effect stated explicitly;
- (E) recognize characteristics of persuasive text, including:
 - (i) stating what the author is trying to persuade the reader to think or do; and
 - (ii) distinguishing facts from opinion; and
- (F) recognize characteristics of multimodal and digital texts ; and [x]
- (G) recognize the distinguishing characteristics of literary nonfiction such as biographies and autobiographies.

(10)-(13) (No change.)

§110.5. English Language Arts and Reading, Grade 3, Adopted 2017.

(a) (No change.)

(b) Knowledge and skills.

(1)-(5) (No change.)

(6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;
- (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
- (C) make and [x] correct [x] or confirm predictions using text features, characteristics of genre, and structures;
- (D) create mental images to deepen understanding;
- (E) make connections to personal experiences, ideas in other texts, and society;
- (F) make inferences and use evidence to support understanding;
- (G) evaluate details read to determine the main idea and key ideas;
- (H) synthesize information to create new understanding; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.

(7)-(8) (No change.)

(9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, fairy tales, legends, and myths;
- (B) explain rhyme scheme, sound devices, and structural elements such as stanzas in a variety of poems;
- (C) discuss elements of drama such as characters, dialogue, setting, and acts;
- (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea with supporting evidence;
 - (ii) features such as sections, tables, graphs, timelines, bullets, numbers, and bold and italicized font to support understanding; and
 - (iii) organizational patterns such as cause and effect and problem and solution;
- (E) recognize characteristics and structures of argumentative text by:
 - (i) identifying the claim;
 - (ii) distinguishing facts from opinion; and
 - (iii) identifying the intended audience or reader; and
- (F) recognize characteristics of multimodal and digital texts ; and [x]

(G) explain the distinguishing characteristics of literary nonfiction such as personal narratives, biographies, and autobiographies.

(10)-(13) (No change.)

§110.6. English Language Arts and Reading, Grade 4, Adopted 2017.

(a) (No change.)

(b) Knowledge and skills.

(1)-(5) (No change.)

(6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;
- (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
- (C) make and [and] correct [and] or confirm predictions using text features, characteristics of genre, and structures;
- (D) create mental images to deepen understanding;
- (E) make connections to personal experiences, ideas in other texts, and society;
- (F) make inferences and use evidence to support understanding;
- (G) evaluate details read to determine the main idea and key ideas;
- (H) synthesize information to create new understanding; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.

(7)-(8) (No change.)

(9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, legends, myths, and tall tales;
- (B) explain figurative language such as simile, metaphor, and personification that the poet uses to create images;
- (C) explain structure in drama such as [~~character tags,~~] acts, scenes, and stage directions;
- (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea with supporting evidence;
 - (ii) features such as pronunciation guides and diagrams to support understanding; and
 - (iii) organizational patterns such as compare and contrast;
- (E) recognize characteristics and structures of argumentative text by:
 - (i) identifying the claim;
 - (ii) explaining how the author has used facts for an argument; and
 - (iii) identifying the intended audience or reader; [~~and~~]

- (F) recognize characteristics of multimodal and digital texts ; and []
- (G) explain the distinguishing characteristics of literary nonfiction such as personal narratives, biographies, and autobiographies.

(10)-(13) (No change.)

§110.7. English Language Arts and Reading, Grade 5, Adopted 2017.

(a) (No change.)

(b) Knowledge and skills.

(1)-(5) (No change.)

(6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;
- (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
- (C) make and [] correct [] or confirm predictions using text features, characteristics of genre, and structures;
- (D) create mental images to deepen understanding;
- (E) make connections to personal experiences, ideas in other texts, and society;
- (F) make inferences and use evidence to support understanding;
- (G) evaluate details read to determine the main idea and key ideas;
- (H) synthesize information to create new understanding; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.

(7)-(8) (No change.)

(9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, legends, myths, and tall tales;
- (B) explain the use of sound devices and figurative language and distinguish between the poet and the speaker in poems across a variety of poetic forms;
- (C) explain structure in drama such as [~~character tags,~~] acts, scenes, and stage directions;
- (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea with supporting evidence;
 - (ii) features such as insets, timelines, and sidebars to support understanding; and
 - (iii) organizational patterns such as logical order and order of importance;
- (E) recognize characteristics and structures of argumentative text by:
 - (i) identifying the claim;
 - (ii) explaining how the author has used facts for or against an argument; and

- (iii) identifying the intended audience or reader; ~~and~~
- (F) recognize characteristics of multimodal and digital texts ; ~~and~~ []
- ~~(G) analyze the distinguishing characteristics of literary nonfiction such as diaries, journals, and personal narratives.~~
- (10) (No change.)
- (11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:
 - (A) plan a first draft by selecting a genre for a particular topic, purpose, and audience using a range of strategies such as brainstorming, freewriting, and mapping;
 - (B) develop drafts into a focused, structured, and coherent piece of writing by:
 - (i) organizing with purposeful structure, including an introduction, transitions, and a conclusion; and
 - (ii) developing an engaging idea reflecting depth of thought with specific facts and details;
 - (C) revise drafts to improve sentence structure and word choice by adding, deleting, combining, and rearranging ideas for coherence and clarity;
 - (D) edit drafts using standard English conventions, including:
 - (i) complete simple and compound sentences with subject-verb agreement and avoidance of splices, run-ons, and fragments;
 - (ii) past tense of irregular verbs;
 - (iii) collective nouns;
 - (iv) adjectives, including their comparative and superlative forms;
 - (v) conjunctive adverbs;
 - (vi) prepositions and prepositional phrases and their influence on subject-verb agreement;
 - (vii) pronouns, including indefinite;
 - (viii) subordinating conjunctions to form complex sentences;
 - (ix) capitalization of abbreviations, initials, acronyms, and organizations;
 - (x) ~~[punctuation marks, including]~~ commas in compound and complex sentences, quotation marks in dialogue, and italics and underlining for titles and emphasis; and
 - (xi) correct spelling of words with grade-appropriate orthographic patterns and rules and high-frequency words; and
 - (E) publish written work for appropriate audiences.
- (12)-(13) (No change.)

~~§110.10. Implementation of Texas Essential Knowledge and Skills for English Language Arts and Reading, Elementary, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

~~§110.11. English Language Arts and Reading, Kindergarten, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

§110.12. English Language Arts and Reading, Grade 1, Beginning with School Year 2009-2010.

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

§110.13. English Language Arts and Reading, Grade 2, Beginning with School Year 2009-2010.

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

§110.14. English Language Arts and Reading, Grade 3, Beginning with School Year 2009-2010.

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

§110.15. English Language Arts and Reading, Grade 4, Beginning with School Year 2009-2010.

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

§110.16. English Language Arts and Reading, Grade 5, Beginning with School Year 2009-2010.

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

Subchapter B. Middle School

~~§110.17. Implementation of Texas Essential Knowledge and Skills for English Language Arts and Reading, Middle School, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

~~§110.18. English Language Arts and Reading, Grade 6, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

~~§110.19. English Language Arts and Reading, Grade 7, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

~~§110.20. English Language Arts and Reading, Grade 8, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter110/index.html>.

§110.21. Implementation of Texas Essential Knowledge and Skills for English Language Arts and Reading, Middle School, Adopted 2017.

- (a) The provisions of this section and §§110.22-110.24 of this title shall be implemented by school districts.
- (b) No later than August 31, 2018, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills for English language arts and reading as adopted in §§110.22-110.24 of this title.
- (c) If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §§110.22-110.24 of this title shall be implemented beginning with the 2019-2020 school year and apply to the 2019-2020 and subsequent school years.
- (d) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that §§110.22-110.24 of this title shall be implemented for the following school year.

~~[(e) Sections 110.18-110.20 of this title shall be superseded by the implementation of this section and §§110.22-110.24 of this title.]~~

§110.22. English Language Arts and Reading, Grade 6, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1)-(4) (No change.)
 - (5) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
 - (A) establish purpose for reading assigned and self-selected text;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and [] correct [] or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;

- (E) make connections to personal experiences, ideas in other texts, and society;
- (F) make inferences and use evidence to support understanding;
- (G) evaluate details read to determine the main idea and key ideas;
- (H) synthesize information to create new understanding; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.

(6)-(7) (No change.)

(8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

- (A) demonstrate knowledge of literary genres such as realistic fiction, adventure stories, historical fiction, mysteries, humor, and myths;
- (B) analyze the effect of meter and structural elements such as line breaks in poems across a variety of poetic forms;
- (C) analyze how playwrights develop characters through dialogue and staging;
- (D) analyze characteristics and structural elements of informational text, including:
 - (i) the central or controlling idea or thesis with supporting evidence;
 - (ii) features such as introduction, foreword, preface, references, or acknowledgements to gain background information; and
 - (iii) organizational patterns such as definition, classification, advantage, and disadvantage;
- (E) analyze characteristics and structures of argumentative text by:
 - (i) identifying the claim;
 - (ii) explaining how the author uses various types of evidence to support the argument;
 - (iii) identifying the intended audience or reader; [~~and~~]
- (F) analyze characteristics of multimodal and digital texts ; and [;]
- (G) analyze the distinguishing characteristics of literary nonfiction such as diaries, journals, and personal narratives.

(9)-(10) (No change.)

(11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. The student is expected to:

- (A) compose literary texts such as personal narratives, fiction, and poetry using genre characteristics and craft;
- (B) compose informational texts, including multi-paragraph essays that convey information about a topic, using a clear central or controlling idea or thesis statement and genre characteristics and craft;
- (C) compose multi-paragraph argumentative texts using genre characteristics and craft; and
- (D) compose correspondence that reflects an opinion, registers a complaint, or requests information in a business or friendly structure.

(12) (No change.)

§110.23. English Language Arts and Reading, Grade 7, Adopted 2017.

(a) (No change.)

(b) Knowledge and skills.

(1)-(4) (No change.)

(5) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;
- (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
- (C) make and [x] correct [x] or confirm predictions using text features, characteristics of genre, and structures;
- (D) create mental images to deepen understanding;
- (E) make connections to personal experiences, ideas in other texts, and society;
- (F) make inferences and use evidence to support understanding;
- (G) evaluate details read to determine the main idea and key ideas;
- (H) synthesize information to create new understanding; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.

(6)-(7) (No change.)

(8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

- (A) demonstrate knowledge of literary genres such as realistic fiction, adventure stories, historical fiction, mysteries, humor, myths, fantasy, and science fiction;
- (B) analyze the effect of rhyme scheme, meter, and graphical elements such as punctuation and capitalization in poems across a variety of poetic forms;
- (C) analyze how playwrights develop characters through dialogue and staging;
- (D) analyze characteristics and structural elements of informational text, including:
 - (i) the central or controlling idea or thesis with supporting evidence;
 - (ii) features such as references or acknowledgements; and
 - (iii) organizational patterns that support multiple topics, categories, and subcategories;
- (E) analyze characteristics and structures of argumentative text by:
 - (i) identifying the claim;
 - (ii) explaining how the author uses various types of evidence and consideration of alternatives to support the argument; and
 - (iii) identifying the intended audience or reader; and
- (F) analyze characteristics of multimodal and digital texts ; and [x]

(G) analyze the distinguishing characteristics of literary nonfiction such as diaries, journals, and memoirs.

(9)-(10) (No change.)

(11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. The student is expected to:

- (A) compose literary texts such as personal narratives, fiction, and poetry using genre characteristics and craft;
- (B) compose informational texts, including multi-paragraph essays that convey information about a topic, using a clear central or controlling idea or thesis statement and genre characteristics and craft;
- (C) compose multi-paragraph argumentative texts using genre characteristics and craft; and
- (D) compose correspondence that reflects an opinion, registers a complaint, or requests information in a business or friendly structure.

(12) (No change.)

§110.24. English Language Arts and Reading, Grade 8, Adopted 2017.

(a) (No change.)

(b) Knowledge and skills.

(1)-(4) (No change.)

(5) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;
- (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
- (C) make and [] correct [] or confirm predictions using text features, characteristics of genre, and structures;
- (D) create mental images to deepen understanding;
- (E) make connections to personal experiences, ideas in other texts, and society;
- (F) make inferences and use evidence to support understanding;
- (G) evaluate details read to determine the main idea and key ideas;
- (H) synthesize information to create new understanding; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.

(6) (No change.)

(7) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--literary elements. The student recognizes and analyzes literary elements within and across increasingly complex traditional, contemporary, classical, and diverse literary texts. The student is expected to:

- (A) analyze how themes are developed through the interaction of characters and events;
- (B) analyze how characters' motivations and behaviors influence events and resolution of the conflict;

- (C) analyze non-linear plot development such as flashbacks, foreshadowing, subplots, and parallel plot structures and compare it to linear plot development; and
 - (D) explain how the setting influences the values and beliefs of characters.
- (8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) demonstrate knowledge of literary genres such as realistic fiction, adventure stories, historical fiction, mysteries, humor, fantasy, science fiction, and short stories;
 - (B) analyze the effect of graphical elements such as punctuation and line length in poems across a variety of poetic forms such as epic, lyric, and humorous poetry;
 - (C) analyze how playwrights develop dramatic action through the use of acts and scenes;
 - (D) analyze characteristics and structural elements of informational text, including:
 - (i) the central or controlling idea or thesis with supporting evidence;
 - (ii) features such as footnotes, endnotes, and citations; and
 - (iii) multiple organizational patterns within a text to develop the thesis;
 - (E) analyze characteristics and structures of argumentative text by:
 - (i) identifying the claim and analyzing the argument;
 - (ii) identifying and explaining the counter argument; and
 - (iii) identifying the intended audience or reader; and
 - (F) analyze characteristics of multimodal and digital texts ; and [:]
 - (G) analyze the distinguishing characteristics of literary nonfiction such as diaries, journals, and memoirs.
- (9)-(10) (No change.)
- (11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. The student is expected to:
- (A) compose literary texts such as personal narratives, fiction, and poetry using genre characteristics and craft;
 - (B) compose informational texts, including multi-paragraph essays that convey information about a topic, using a clear central or controlling idea or thesis statement and genre characteristics and craft;
 - (C) compose multi-paragraph argumentative texts using genre characteristics and craft; and
 - (D) compose correspondence that reflects an opinion, registers a complaint, or requests information in a business or friendly structure.
- (12) (No change.)

Subchapter C. High School

§110.36. English Language Arts and Reading, English I (One Credit), Adopted 2017.

- (a)-(b) (No change.)
- (c) Knowledge and skills.
 - (1)-(3) (No change.)
 - (4) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
 - (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and correct or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine the main idea and key ideas;
 - (H) synthesize information from two texts to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
 - (5) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:
 - (A) describe personal connections to a variety of sources, including self-selected texts;
 - (B) write responses that demonstrate understanding of texts, including comparing texts within and across genres;
 - (C) use text evidence and original commentary to support a comprehensive response;
 - (D) paraphrase and summarize texts in ways that maintain meaning and logical order;
 - (E) interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating;
 - (F) respond using acquired content and academic vocabulary as appropriate;
 - (G) discuss and write about the explicit or implicit meanings of text;
 - (H) respond orally or in writing with appropriate register, vocabulary, tone, and voice;
 - (I) reflect on and adjust responses when valid evidence warrants; [~~and~~]
 - (J) defend or challenge the authors' claims using relevant text evidence ; and [~~z~~]
 - (K) discuss the ways in which diverse texts generate understanding of varied perspectives.
 - (6) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--literary elements. The student recognizes and analyzes literary elements within and across increasingly complex traditional, contemporary, classical, and diverse literary texts. The student is expected to:
 - (A) analyze how themes are developed through characterization and plot in a variety of literary texts;

- (B) analyze how authors develop complex yet believable characters in works of fiction through a range of literary devices, including character foils;
 - (C) analyze non-linear plot development such as flashbacks, [~~foreshadowing,~~] subplots, and parallel plot structures and compare it to linear plot development; and
 - (D) analyze how the setting influences the theme.
- (7) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) read and respond to American, British, and world literature;
 - (B) analyze the structure, prosody, and graphic elements such as line length and word position in poems across a variety of poetic forms;
 - (C) analyze the function of dramatic conventions such as asides, soliloquies, dramatic irony, and satire;
 - (D) analyze characteristics and structural elements of informational texts such as:
 - (i) clear thesis, relevant supporting evidence, pertinent examples, and conclusion; and
 - (ii) multiple organizational patterns within a text to develop the thesis;
 - (E) analyze characteristics and structural elements of argumentative texts such as:
 - (i) clear arguable claim, appeals, and convincing conclusion;
 - (ii) various types of evidence and treatment of counterarguments, including concessions and rebuttals; and
 - (iii) identifiable audience or reader; [~~and~~]
 - (F) analyze characteristics of multimodal and digital texts ; and [;]
 - (G) read and respond to literary nonfiction such as speeches and literary essays.
- (8) Author's purpose and craft: listening, speaking, reading, writing, and thinking using multiple texts. The student uses critical inquiry to analyze the authors' choices and how they influence and communicate meaning within a variety of texts. The student analyzes and applies author's craft purposefully in order to develop his or her own products and performances. The student is expected to:
- (A) analyze the author's purpose, audience, and message within a text;
 - (B) analyze use of text structure to achieve the author's purpose;
 - (C) evaluate the author's use of print and graphic features to achieve specific purposes;
 - (D) analyze how the author's use of language achieves specific purposes;
 - (E) analyze the use of literary devices such as irony and oxymoron to achieve specific purposes;
 - (F) analyze how the author's diction and syntax contribute to the mood, voice, and tone of a text; [~~and~~]
 - (G) explain the purpose of rhetorical devices such as understatement and overstatement and the effect of logical fallacies such as straw man and red herring arguments ; and [;]
 - (H) discuss the artistic qualities of diverse texts.

(9)-(11) (No change.)

§110.37. English Language Arts and Reading, English II (One Credit), Adopted 2017.

(a)-(b) (No change.)

(c) Knowledge and skills.

(1)-(3) (No change.)

(4) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;
- (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
- (C) make and correct or confirm predictions using text features, characteristics of genre, and structures;
- (D) create mental images to deepen understanding;
- (E) make connections to personal experiences, ideas in other texts, and society;
- (F) make inferences and use evidence to support understanding;
- (G) evaluate details read to determine the main idea and key ideas;
- (H) synthesize information from multiple texts to create new understanding; and
- (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.

(5) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:

- (A) describe personal connections to a variety of sources, including self-selected texts;
- (B) write responses that demonstrate understanding of texts, including comparing texts within and across genres;
- (C) use text evidence and original commentary to support an interpretive response;
- (D) paraphrase and summarize texts in ways that maintain meaning and logical order;
- (E) interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating;
- (F) respond using acquired content and academic vocabulary as appropriate;
- (G) discuss and write about the explicit or implicit meanings of text;
- (H) respond orally or in writing with appropriate register, vocabulary, tone, and voice;
- (I) reflect on and adjust responses when valid evidence warrants; and
- (J) defend or challenge the authors' claims using relevant text evidence ; and []
- (K) discuss the ways in which diverse texts generate understanding of varied perspectives.

(6) (No change.)

(7) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

- (A) read and analyze world literature across literary periods;

- (B) analyze the effects of metrics; rhyme schemes; types of rhymes such as end, internal, slant, and eye; and other conventions in poems across a variety of poetic forms;
 - (C) analyze the function of dramatic conventions such as asides, soliloquies, dramatic irony, and satire;
 - (D) analyze characteristics and structural elements of informational texts such as:
 - (i) clear thesis, relevant supporting evidence, pertinent examples, and conclusion; and
 - (ii) the relationship between organizational design and thesis;
 - (E) analyze characteristics and structural elements of argumentative texts such as:
 - (i) clear arguable claim, appeals, and convincing conclusion;
 - (ii) various types of evidence and treatment of counterarguments, including concessions and rebuttals; and
 - (iii) identifiable audience or reader; and
 - (F) analyze characteristics of multimodal and digital texts ; and []
 - (G) read and respond to literary nonfiction such as speeches and literary essays.
- (8) Author's purpose and craft: listening, speaking, reading, writing, and thinking using multiple texts. The student uses critical inquiry to analyze the authors' choices and how they influence and communicate meaning within a variety of texts. The student analyzes and applies author's craft purposefully in order to develop his or her own products and performances. The student is expected to:
- (A) analyze the author's purpose, audience, and message within a text;
 - (B) analyze use of text structure to achieve the author's purpose;
 - (C) evaluate the author's use of print and graphic features to achieve specific purposes;
 - (D) analyze how the author's use of language informs and shapes the perception of readers;
 - (E) analyze the use of literary devices such as irony, sarcasm, and motif to achieve specific purposes;
 - (F) analyze how the author's diction and syntax contribute to the mood, voice, and tone of a text; and
 - (G) analyze the purpose of rhetorical devices such as appeals, antithesis, parallelism, and shifts and the effects of logical fallacies ; and []
 - (H) discuss the artistic qualities of diverse texts.

(9)-(11) (No change.)

§110.38. English Language Arts and Reading, English III (One Credit), Adopted 2017.

(a)-(b) (No change.)

(c) Knowledge and skills.

(1)-(3) (No change.)

(4) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;

- (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and correct or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to understand the main idea and key ideas;
 - (H) synthesize information from a variety of text types to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, annotating, and using outside sources when understanding breaks down.
- (5) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:
- (A) describe personal connections to a variety of sources, including self-selected texts;
 - (B) write responses that demonstrate analysis of texts, including comparing texts within and across genres;
 - (C) use text evidence and original commentary to support an analytic response;
 - (D) paraphrase and summarize texts in ways that maintain meaning and logical order;
 - (E) interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating;
 - (F) respond using acquired content and academic vocabulary as appropriate;
 - (G) discuss and write about the explicit and implicit meanings of text;
 - (H) respond orally or in writing with appropriate register and effective vocabulary, tone, and voice;
 - (I) reflect on and adjust responses when valid evidence warrants; [~~and~~]
 - (J) defend or challenge the authors' claims using relevant text evidence ; and [;]
 - (K) discuss the ways in which diverse texts generate understanding of varied perspectives.
- (6) (No change.)
- (7) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) read and analyze American literature across literary periods;
 - (B) analyze relationships among characteristics of poetry, including stanzas, line breaks, speaker, and sound devices in poems across a variety of poetic forms;
 - (C) analyze how the relationships among dramatic elements advance the plot;
 - (D) analyze characteristics and structural elements of informational texts such as:
 - (i) clear thesis, strong supporting evidence, pertinent examples, commentary, summary, and conclusion; and
 - (ii) the relationship between organizational design and author's purpose;

- (E) analyze characteristics and structural elements of argumentative texts such as:
 - (i) clear arguable thesis, appeals, structure of the argument, convincing conclusion, and call to action;
 - (ii) various types of evidence and treatment of counterarguments, including concessions and rebuttals; and
 - (iii) identifiable audience or reader; [~~and~~]
 - (F) analyze the effectiveness of characteristics of multimodal and digital texts ; and [~~]~~
 - (G) analyze and critique literary nonfiction such as speeches and literary essays.
- (8) Author's purpose and craft: listening, speaking, reading, writing, and thinking using multiple texts. The student uses critical inquiry to analyze the authors' choices and how they influence and communicate meaning within a variety of texts. The student analyzes and applies author's craft purposefully in order to develop his or her own products and performances. The student is expected to:
- (A) analyze the author's purpose, audience, and message within a text;
 - (B) evaluate use of text structure to achieve the author's purpose;
 - (C) evaluate the author's use of print and graphic features to achieve specific purposes;
 - (D) evaluate how the author's use of language informs and shapes the perception of readers;
 - (E) evaluate the use of literary devices such as paradox, satire, and allegory to achieve specific purposes;
 - (F) evaluate how the author's diction and syntax contribute to the mood, voice, and tone of a text; [~~and~~]
 - (G) analyze the effects of rhetorical devices and logical fallacies on the way the text is read and understood ; and [~~]~~
 - (H) evaluate the artistic qualities of diverse texts.

(9)-(11) (No change.)

§110.39. English Language Arts and Reading, English IV (One Credit), Adopted 2017.

(a)-(b) (No change.)

(c) Knowledge and skills.

(1)-(3) (No change.)

- (4) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
- (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and correct or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to analyze the main idea and key ideas;

- (H) synthesize information from a variety of text types to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, annotating, and using outside sources when understanding breaks down.
- (5) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:
- (A) describe personal connections to a variety of sources, including self-selected texts;
 - (B) write responses that demonstrate analysis of texts, including comparing texts within and across genres;
 - (C) use text evidence and original commentary to support an evaluative response;
 - (D) paraphrase and summarize texts in ways that maintain meaning and logical order;
 - (E) interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating;
 - (F) respond using acquired content and academic vocabulary as appropriate;
 - (G) discuss and write about the explicit and implicit meanings of text;
 - (H) respond orally or in writing with appropriate register and purposeful vocabulary, tone, and voice;
 - (I) reflect on and adjust responses when valid evidence warrants; [and]
 - (J) defend or challenge the authors' claims using relevant text evidence ; and [z]
 - (K) discuss the ways in which diverse texts generate understanding of varied perspectives.
- (6) (No change.)
- (7) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) read and analyze British literature across literary periods;
 - (B) analyze the effects of sound, form, figurative language, graphics, and dramatic structure in poetry across literary time periods and cultures;
 - (C) analyze and evaluate how the relationships among the dramatic elements advance the plot;
 - (D) critique and evaluate characteristics and structural elements of informational texts such as:
 - (i) clear thesis, effective supporting evidence, pertinent examples, commentary, summary, and conclusion; and
 - (ii) the relationship between organizational design and author's purpose;
 - (E) critique and evaluate characteristics and structural elements of argumentative texts such as:
 - (i) clear arguable thesis, appeals, structure of the argument, convincing conclusion, and call to action;
 - (ii) various types of evidence and treatment of counterarguments, including concessions and rebuttals; and
 - (iii) identifiable audience or reader; [and]

- (F) critique and evaluate the effectiveness of characteristics of multimodal and digital texts ; and [z]
 - (G) analyze and critique literary nonfiction such as speeches and literary essays.
- (8) Author's purpose and craft: listening, speaking, reading, writing, and thinking using multiple texts. The student uses critical inquiry to analyze the authors' choices and how they influence and communicate meaning within a variety of texts. The student analyzes and applies author's craft purposefully in order to develop his or her own products and performances. The student is expected to:
- (A) evaluate the author's purpose, audience, and message within a text;
 - (B) evaluate use of text structure to achieve the author's purpose;
 - (C) evaluate the author's use of print and graphic features to achieve specific purposes;
 - (D) critique and evaluate how the author's use of language informs and shapes the perception of readers;
 - (E) evaluate the use of literary devices such as paradox, satire, and allegory to achieve specific purposes;
 - (F) evaluate how the author's diction and syntax contribute to the effectiveness of a text; [and]
 - (G) analyze the effects of rhetorical devices and logical fallacies on the way the text is read and understood ; and [z]
 - (H) evaluate the artistic qualities of diverse texts.

(9)-(11) (No change.)

ATTACHMENT II
Text of Proposed Revisions to 19 TAC

Chapter 128. Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language

Subchapter A. Elementary

§128.1. Implementation of Texas Essential Knowledge and Skills for Spanish Language Arts and Reading, Elementary, Adopted 2017.

- (a) The provisions of this section and §§128.2-128.7 of this title shall be implemented by school districts.
- (b) No later than August 31, 2018, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills for Spanish language arts and reading as adopted in §§128.2-128.7 of this title.
- (c) If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §§128.2-128.7 of this title shall be implemented beginning with the 2019-2020 school year and apply to the 2019-2020 and subsequent school years.
- (d) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that §§128.2-128.7 of this title shall be implemented for the following school year.

~~[(e) Sections 128.11-128.16 of this title shall be superseded by the implementation of this section and §§128.2-128.7 of this title.]~~

§128.2. Spanish Language Arts and Reading, Kindergarten, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1)-(7) (No change.)
 - (8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
 - (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, fairy tales, and nursery rhymes;
 - (B) discuss rhyme and rhythm in nursery rhymes and a variety of poems;
 - (C) discuss main characters in drama;
 - (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea and supporting evidence with adult assistance;
 - (ii) titles and simple graphics to gain information; and
 - (iii) the steps in a sequence with adult assistance;
 - (E) recognize characteristics of persuasive text with adult assistance and state what the author is trying to persuade the reader to think or do; ~~and~~
 - (F) recognize characteristics of multimodal and digital texts ; ~~and~~ []

(G) discuss with adult assistance the characteristics of literary nonfiction.

(9)-(12) (No change.)

§128.3. Spanish Language Arts and Reading, Grade 1, Adopted 2017.

(a) (No change.)

(b) Knowledge and skills.

(1) (No change.)

(2) Developing and sustaining foundational language skills: listening, speaking, reading, writing, and thinking—beginning reading and writing. The student develops word structure knowledge through phonological awareness, print concepts, phonics, and morphology to communicate, decode, and spell. The student is expected to:

(A) demonstrate phonological awareness by:

- (i) producing a series of rhyming words;
- (ii) recognizing spoken alliteration or groups of words that begin with the same simple syllable or initial sound;
- (iii) recognizing the change in spoken word when a specified syllable is added, changed, or removed;
- (iv) segmenting spoken words into individual syllables;
- (v) blending spoken complex syllables, including sílabas trabadas, to form multisyllabic words;
- (vi) segmenting spoken words into syllables, including words with sílabas trabadas; and
- (vii) manipulating syllables within words;

(B) demonstrate and apply phonetic knowledge by:

- (i) identifying and matching sounds to individual letters;
- (ii) decoding words with sílabas trabadas [~~such as /bla/, /bra/, and /gla/~~]; digraphs; and words with multiple sound spelling patterns such as c, k, and q and s, z, soft c, and x;
- (iii) decoding words with silent h and words that use the syllables que-, qui-, gue-, gui-, güe-, and güi-;
- (iv) decoding words with diphthongs such as /ai/, /au/, and /ei/;
- (v) decoding contractions such as al and del;
- (vi) decoding three- to four-syllable words;
- (vii) using knowledge of base words to decode common compound words; and
- (viii) decoding words with common prefixes and suffixes;

(C) demonstrate and apply spelling knowledge by:

- (i) spelling common letter and sound correlations;
- (ii) spelling words with common patterns such as CV, VC, CCV, CVC, VCV, CVCV, CCVCV, and CVCCV;
- (iii) spelling words with silent h; consonant digraphs such as /ch/, /rr/, and /ll/; and sílabas trabadas such as /bla/, /bra/, /gla/, and /gra/;

- (iv) spelling multisyllabic words, including words with que-, qui-, gue-, gui-, güe-, and güi-;
 - (v) spelling contractions such as al and del;
 - (vi) spelling words with diphthongs such as /ai/, /au/, and /ie/ as in quie-ro, na-die, and ra-dio and hiatus such as le-er and ri-o; and
 - (vii) spelling words with common prefixes and suffixes;
- (D) demonstrate print awareness by identifying the information that different parts of a book provide;
- (E) alphabetize a series of words to the first or second letter and use a dictionary to find words; and
- (F) develop handwriting by printing words, sentences, and answers legibly leaving appropriate spaces between words.
- (3)-(5) (No change.)
- (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
- (A) establish purpose for reading assigned and self-selected texts with adult assistance;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information with adult assistance;
 - (C) make and [̄] correct [̄] or confirm predictions using text features, characteristics of genre, and structures with adult assistance;
 - (D) create mental images to deepen understanding with adult assistance;
 - (E) make connections to personal experiences, ideas in other texts, and society with adult assistance;
 - (F) make inferences and use evidence to support understanding with adult assistance;
 - (G) evaluate details to determine what is most important with adult assistance;
 - (H) synthesize information to create new understanding with adult assistance; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, checking for visual cues, and asking questions when understanding breaks down.
- (7)-(8) (No change.)
- (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, fairy tales, and nursery rhymes;
 - (B) discuss rhyme, rhythm, repetition, and alliteration in a variety of poems;
 - (C) discuss elements of drama such as characters and setting;
 - (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea and supporting evidence with adult assistance;
 - (ii) features and simple graphics to locate or gain information; and

- (iii) organizational patterns such as chronological order and description with adult assistance;
 - (E) recognize characteristics of persuasive text with adult assistance and state what the author is trying to persuade the reader to think or do; ~~and~~
 - (F) recognize characteristics of multimodal and digital texts ; ~~and~~ []
 - (G) discuss with adult assistance the characteristics of literary nonfiction.
- (10)-(13) (No change.)

§128.4. Spanish Language Arts and Reading, Grade 2, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1)-(5) (No change.)
 - (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
 - (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make ~~and~~ [] correct [] or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine the main idea and key ideas;
 - (H) synthesize information to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, checking for visual cues, and asking questions when understanding breaks down.
 - (7)-(8) (No change.)
 - (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
 - (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, and fairy tales;
 - (B) explain visual patterns and structures in a variety of poems;
 - (C) discuss elements of drama such as characters, dialogue, and setting;
 - (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea and supporting evidence with adult assistance;
 - (ii) features and graphics to locate and gain information; and
 - (iii) organizational patterns such as chronological order and cause and effect stated explicitly;

- (E) recognize characteristics of persuasive text, including:
 - (i) stating what the author is trying to persuade the reader to think or do; and
 - (ii) distinguishing facts from opinion; [~~and~~]
- (F) recognize characteristics of multimodal and digital texts ; and [~~;~~]
- (G) recognize the distinguishing characteristics of literary nonfiction such as biographies and autobiographies.

(10)-(13) (No change.)

§128.5. Spanish Language Arts and Reading, Grade 3, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1) (No change.)
 - (2) Developing and sustaining foundational language skills: listening, speaking, reading, writing, and thinking--beginning reading and writing. The student develops word structure knowledge through phonological awareness, print concepts, phonics, and morphology to communicate, decode, and spell. The student is expected to:
 - (A) demonstrate and apply phonetic knowledge by:
 - (i) decoding words with a prosodic or orthographic accent;
 - (ii) decoding words with multiple sound spelling patterns such as c, k, and q and s, z, soft c, and x;
 - (iii) decoding words with silent h and words that use the syllables que-, qui-, gue-, gui-, güe-, and güi-;
 - (iv) becoming very familiar with the concept of hiatus and diphthongs and the implications for orthographic accents;
 - (v) decoding and differentiating meaning of a word based on a diacritical accent; and
 - (vi) decoding words with prefixes and suffixes;
 - (B) demonstrate and apply spelling knowledge by:
 - (i) spelling palabras agudas and graves (words with an accent on the last and penultimate syllable);
 - (ii) spelling palabras esdrújulas (words with the stress on the antepenultimate syllable) that have an orthographic accent;
 - (iii) spelling words with the concept of diphthongs and hiatus and their implications for orthographic accents;
 - (iv) using accents on words commonly used in questions and exclamations;
 - (v) spelling words based on the diacritical accent such as se/sé, el/él, and mas/más;
 - (vi) marking accents appropriately when conjugating verbs in simple and imperfect past, past participle [~~perfect~~], conditional, and future tenses;
 - (vii) spelling words with silent h and words that use the syllables que-, qui-, gue-, gui-, güe-, and güi-;
 - (viii) spelling words that have the same sounds represented by different letters, including ll and y; c, k, and q; soft c, soft x, s, and z; and soft g, j, and x;

- (ix) spelling words with hard and soft r;
 - (x) spelling words using n before v; m before b; and m before p;
 - (xi) spelling words with sílabas trabadas; [and]
 - (xii) spelling the plural form of words ending in z by replacing the z with c before adding -es;
 - (xiii) spelling common abbreviations; and
 - (xiv) spelling words with prefixes and suffixes;
 - (C) alphabetize a series of words to the third letter; and
 - (D) write complete words, thoughts, and answers legibly in cursive leaving appropriate spaces between words.
- (3) Developing and sustaining foundational language skills: listening, speaking, reading, writing, and thinking--vocabulary. The student uses newly acquired vocabulary expressively. The student is expected to:
- (A) use print or digital resources to determine meaning, syllabication, and pronunciation;
 - (B) use context within and beyond a sentence to determine the meaning of unfamiliar words and multiple-meaning words;
 - (C) identify the meaning of and use words with affixes such as [-including] in-, des-, ex-, -mente, -dad, -oso, -eza, and -ura, and know how the affix changes the meaning of the word;
 - (D) identify, use, and explain the meaning of antonyms, synonyms, idioms, homophones, and homographs in a text; and
 - (E) differentiate between and use homographs, homophones, and commonly confused terms such as porque/porqué/por qué/por que, sino/si no, and también/tan bien.
- (4)-(5) (No change.)
- (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
- (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and [¿] correct [¿] or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine the main idea and key ideas;
 - (H) synthesize information to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
- (7)-(8) (No change.)
- (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within

and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:

- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, fairy tales, legends, and myths;
 - (B) explain rhyme scheme, sound devices, and structural elements such as stanzas in a variety of poems;
 - (C) discuss ~~the~~ elements of drama such as characters, dialogue, setting, and acts;
 - (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea with supporting evidence;
 - (ii) features such as sections, tables, graphs, timelines, bullets, numbers, and bold and italicized font to support understanding; and
 - (iii) organizational patterns such as cause and effect and problem and solution;
 - (E) recognize characteristics and structures of argumentative text by:
 - (i) identifying the claim;
 - (ii) distinguishing facts from opinion; and
 - (iii) identifying the intended audience or reader; ~~and~~
 - (F) recognize characteristics of multimodal and digital texts ; ~~and~~ ~~;~~
 - (G) explain the distinguishing characteristics of literary nonfiction such as personal narratives, biographies, and autobiographies.
- (10) (No change.)
- (11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:
- (A) plan a first draft by selecting a genre for a particular topic, purpose, and audience using a range of strategies such as brainstorming, freewriting, and mapping;
 - (B) develop drafts into a focused, structured, and coherent piece of writing by:
 - (i) organizing with purposeful structure, including an introduction and a conclusion; and
 - (ii) developing an engaging idea with relevant details;
 - (C) revise drafts to improve sentence structure and word choice by adding, deleting, combining, and rearranging ideas for coherence and clarity;
 - (D) edit drafts using standard Spanish conventions, including:
 - (i) complete simple and compound sentences with subject-verb agreement;
 - (ii) simple past, present, and future verb tense and imperfect past, past participle ~~[perfect]~~ , and conditional verb tenses, including the difference between ser and estar;
 - (iii) singular, plural, common, and proper nouns, including gender-specific articles;
 - (iv) adjectives, including their comparative and superlative forms;
 - (v) adverbs that convey time and adverbs that convey manner;
 - (vi) prepositions and prepositional phrases;
 - (vii) pronouns, including personal, possessive, objective, and reflexive pronouns;

- (viii) coordinating conjunctions to form compound subjects, predicates, and sentences;
 - (ix) capitalization of proper nouns, geographical names and places, historical periods, and official titles of people;
 - (x) punctuation marks, including commas in a series [~~and dates~~], and correct mechanics, including indentations; and
 - (xi) correct spelling of words with grade-appropriate orthographic patterns and rules; and
- (E) publish written work for appropriate audiences.
- (12)-(13) (No change.)

§128.6. Spanish Language Arts and Reading, Grade 4, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1) (No change.)
 - (2) Developing and sustaining foundational language skills: listening, speaking, reading, writing, and thinking--beginning reading and writing. The student develops word structure knowledge through phonological awareness, print concepts, phonics, and morphology to communicate, decode, and spell. The student is expected to:
 - (A) demonstrate and apply phonetic knowledge by:
 - (i) decoding palabras agudas, graves, esdrújulas, and sobresdrújulas [~~sobreesdrújulas~~] (words with the stress on the last, penultimate, and antepenultimate syllable and words with the stress on the syllable before the antepenultimate);
 - (ii) using orthographic rules to segment and combine syllables, including diphthongs and formal and accented hiatus;
 - (iii) decoding and differentiating the meaning of a word based on the diacritical accent; and
 - (iv) decoding words with prefixes and suffixes;
 - (B) demonstrate and apply spelling knowledge by:
 - (i) spelling palabras agudas and graves (words with the stress on the last and penultimate syllable) with an orthographic accent;
 - (ii) spelling palabras esdrújulas (words with the stress on the antepenultimate syllable) that have an orthographic accent;
 - (iii) spelling words with diphthongs and hiatus; [~~and~~]
 - (iv) spelling common abbreviations;
 - (v) spelling words with prefixes and suffixes;
 - (vi) using accents in words commonly used in questions and exclamations;
 - (vii) spelling words based on the diacritical accent such as se/sé, el/él, and mas/más;
 - (viii) [~~(iv)~~] marking accents appropriately when conjugating verbs in simple and imperfect past, past participle [~~perfect~~], conditional, and future tenses; [~~and~~]
 - (ix) spelling words with silent h and words that use the syllables que-, qui-, gue-, gui-, güe-, and güi-;

- (x) spelling words that have the same sounds represented by different letters, including ll and y; c, k, and q; soft c, soft x, s, and z; and soft g, j, and x;
 - (xi) spelling words with hard and soft r;
 - (xii) spelling words using n before v; m before b; and m before p;
 - (xiii) spelling the plural form of words ending in z by replacing the z with c before adding -es; and
- (C) write legibly in cursive to complete assignments.
- (3) Developing and sustaining foundational language skills: listening, speaking, reading, writing, and thinking--vocabulary. The student uses newly acquired vocabulary expressively. The student is expected to:
- (A) use print or digital resources to determine meaning, syllabication, and pronunciation;
 - (B) use context within and beyond a sentence to determine the relevant meaning of unfamiliar words or multiple-meaning words;
 - (C) identify the meaning of and use [base] words with affixes such as [~~-including~~] mono-, sobre-, sub-, inter-, poli-, -able, -ante, -eza, -ancia, and -ura, and roots, including auto, bio, grafia, metro, fono, and tele;
 - (D) identify, use, and explain the meaning of idioms, homographs, and homophones such as abrasar/abrazar; and
 - (E) differentiate between and use homographs, homophones, and commonly confused terms such as porque/porqué/por qué/por que, sino/si no, and también/tan bien.
- (4)-(5) (No change.)
- (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
- (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and [¿] correct [¿] or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine the main idea and key ideas;
 - (H) synthesize information to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
- (7)-(8) (No change.)
- (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, legends, myths, and tall tales;

- (B) explain figurative language such as simile, metaphor, and personification that the poet uses to create images;
 - (C) explain structure in drama such as [~~character tags,~~] acts, scenes, and stage directions;
 - (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea with supporting evidence;
 - (ii) features such as pronunciation guides and diagrams to support understanding; and
 - (iii) organizational patterns such as compare and contrast;
 - (E) recognize characteristics and structures of argumentative text by:
 - (i) identifying the claim;
 - (ii) explaining how the author has used facts for an argument; and
 - (iii) identifying the intended audience or reader; [~~and~~]
 - (F) recognize characteristics of multimodal and digital texts ; and []
 - (G) explain the distinguishing characteristics of literary nonfiction such as personal narratives, biographies, and autobiographies.
- (10) (No change.)
- (11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:
- (A) plan a first draft by selecting a genre for a particular topic, purpose, and audience using a range of strategies such as brainstorming, freewriting, and mapping;
 - (B) develop drafts into a focused, structured, and coherent piece of writing by:
 - (i) organizing with purposeful structure, including an introduction, transitions, and a conclusion; and
 - (ii) developing an engaging idea with relevant details;
 - (C) revise drafts to improve sentence structure and word choice by adding, deleting, combining, and rearranging ideas for coherence and clarity;
 - (D) edit drafts using standard Spanish conventions, including:
 - (i) complete simple and compound sentences with subject-verb agreement and avoidance of splices, run-ons, and fragments;
 - (ii) simple past, present, and future verb tense and imperfect past, past participle, and conditional verb tense;
 - ~~[(ii) irregular verbs;]~~
 - (iii) singular, plural, common, and proper nouns, including gender-specific articles;
 - (iv) adjectives, including their comparative and superlative forms;
 - (v) adverbs that convey frequency and adverbs that convey degree;
 - (vi) prepositions and prepositional phrases;
 - (vii) pronouns, including personal, possessive, objective, reflexive, and prepositional;
 - (viii) coordinating conjunctions to form compound subjects, predicates, and sentences;

- (ix) capitalization of historical events and documents, titles of books, stories, and essays;
 - (x) punctuation marks, including commas in compound and complex sentences and em dash for dialogue; and
 - (xi) correct spelling of words with grade-appropriate orthographic patterns and rules; and
- (E) publish written work for appropriate audiences.
- (12)-(13) (No change.)

§128.7. Spanish Language Arts and Reading, Grade 5, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1) (No change.)
 - (2) Developing and sustaining foundational language skills: listening, speaking, reading, writing, and thinking--beginning reading and writing. The student develops word structure knowledge through phonological awareness, print concepts, phonics, and morphology to communicate, decode, and spell. The student is expected to:
 - (A) demonstrate and apply phonetic knowledge by:
 - (i) decoding palabras agudas, graves, [~~and~~] esdrújulas , and sobresdrújulas (words with the stress on the last, penultimate, and antepenultimate [~~, penultimate, and last~~] syllable and words with the stress on the syllable before the antepenultimate);
 - (ii) using orthographic rules to segment and combine syllables, including diphthongs and formal and accented hiatus;
 - (iii) decoding and differentiating meaning of word based on the diacritical accent; and
 - (iv) decoding words with prefixes and suffixes;
 - (B) demonstrate and apply spelling knowledge by:
 - (i) spelling words with more advanced orthographic patterns and rules;
 - (ii) spelling palabras agudas, graves, and esdrújulas (words with the stress on the antepenultimate, penultimate, and last syllable) with a prosodic or orthographic accent;
 - (iii) spelling palabras sobresdrújulas (words with the stress on the syllable before the antepenultimate syllable) with a prosodic or orthographic accent;
 - (iv) spelling words with diphthongs and hiatus; [~~and~~]
 - (v) using accents in words commonly used in questions and exclamations;
 - (vi) spelling words based on the diacritical accent such as se/sé, el/él, and mas/más;
and
 - (vii) [~~(v)~~] marking accents appropriately when conjugating verbs in simple and imperfect past, past participle [~~perfect~~] , conditional, and future tenses; and
 - (C) write legibly in cursive.
 - (3) Developing and sustaining foundational language skills: listening, speaking, reading, writing, and thinking--vocabulary. The student uses newly acquired vocabulary expressively. The student is expected to:

- (A) use print or digital resources to determine meaning, syllabication, pronunciation, and word origin;
 - (B) use context within and beyond a sentence to determine the relevant meaning of unfamiliar words or multiple-meaning words;
 - (C) identify the meaning of and use [base] words with affixes such as ~~[-including]~~ trans-, super-, anti-, semi-, -logía, -ificar, -ismo, and -ista and roots, including audi, crono, foto, geo, and terr;
 - (D) identify, use, and explain the meaning of idioms, adages, and puns; and
 - (E) differentiate between and use homographs, homophones, and commonly confused terms such as porque/porqué/por qué/por que, sino/si no, and también/tan bien.
- (4)-(5) (No change.)
- (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
- (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and [] correct [] or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine the main idea and key ideas;
 - (H) synthesize information to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
- (7)-(8) (No change.)
- (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) demonstrate knowledge of distinguishing characteristics of well-known children's literature such as folktales, fables, legends, myths, and tall tales;
 - (B) explain the use of sound devices and figurative language and distinguish between the poet and the speaker in poems across a variety of poetic forms;
 - (C) explain structure in drama such as [character tags] acts, scenes, and stage directions;
 - (D) recognize characteristics and structures of informational text, including:
 - (i) the central idea with supporting evidence;
 - (ii) features such as insets, timelines, and sidebars to support understanding; and
 - (iii) organizational patterns such as logical order and order of importance;
 - (E) recognize characteristics and structures of argumentative text by:
 - (i) identifying the claim;

- (ii) explaining how the author has used facts for or against an argument; and
 - (iii) identifying the intended audience or reader; [~~and~~]
 - (F) recognize characteristics of multimodal and digital texts ; and []
 - (G) analyze the distinguishing characteristics of literary nonfiction such as diaries, journals, and personal narratives.
- (10) (No change.)
- (11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:
- (A) plan a first draft by selecting a genre for a particular topic, purpose, and audience using a range of strategies such as brainstorming, freewriting, and mapping;
 - (B) develop drafts into a focused, structured, and coherent piece of writing by:
 - (i) organizing with purposeful structure, including an introduction, transitions, and a conclusion; and
 - (ii) developing an engaging idea reflecting depth of thought with specific facts and details;
 - (C) revise drafts to improve sentence structure and word choice by adding, deleting, combining, and rearranging ideas for coherence and clarity;
 - (D) edit drafts using standard Spanish conventions, including:
 - (i) complete simple and compound sentences with subject-verb agreement and avoidance of splices, run-ons, and fragments;
 - (ii) simple past, present, and future verb tense and imperfect past, past participle, and conditional verb tense;
 - [~~(ii) —irregular verbs;~~]
 - (iii) collective nouns;
 - (iv) adjectives, including those indicating origin, and their comparative and superlative forms;
 - (v) conjunctive adverbs;
 - (vi) prepositions and prepositional phrases and their influence on subject-verb agreement;
 - (vii) pronouns, including personal, possessive, objective, reflexive, prepositional, and indefinite;
 - (viii) subordinating conjunctions to form complex sentences;
 - (ix) capitalization of initials, acronyms, and organizations;
 - (x) [~~punctuation marks, including~~] commas in compound and complex sentences, em dash for dialogue, italics and underlining for titles and emphasis, and quotation marks for titles; and
 - (xi) correct spelling of words with grade-appropriate orthographic patterns and rules; and
 - (E) publish written work for appropriate audiences.
- (12)-(13) (No change.)

~~§128.10. Implementation of Texas Essential Knowledge and Skills for Spanish Language Arts and Reading, Elementary, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

~~§128.11. Spanish Language Arts and Reading, Kindergarten, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

~~§128.12. Spanish Language Arts and Reading, Grade 1, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

~~§128.13. Spanish Language Arts and Reading, Grade 2, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

~~§128.14. Spanish Language Arts and Reading, Grade 3, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

~~§128.15. Spanish Language Arts and Reading, Grade 4, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

~~§128.16. Spanish Language Arts and Reading, Grade 5, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

Subchapter B. Middle School

~~§128.17. Implementation of Texas Essential Knowledge and Skills for Spanish Language Arts and Reading, Middle School, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

~~§128.18. Spanish Language Arts and Reading, Grade 6, Beginning with School Year 2009-2010.~~

The text proposed for repeal is available online at <http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>.

§128.20. Implementation of Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Middle School, Adopted 2017.

- (a) The provisions of this section and §§128.21-128.23 of this title shall be implemented by school districts.
- (b) No later than August 31, 2018, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills for Spanish language arts and reading and English as a Second Language as adopted in §§128.21-128.23 of this title.
- (c) If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §§128.21-128.23 of this title shall be implemented beginning with the 2019-2020 school year and apply to the 2019-2020 and subsequent school years.
- (d) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that §§128.21-128.23 of this title shall be implemented for the following school year.

~~[(e) Section 128.18 of this title shall be superseded by the implementation of this section and §§128.21-128.23 of this title.]~~

§128.21. Spanish Language Arts and Reading, Grade 6, Adopted 2017.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1) (No change.)
 - (2) Developing and sustaining foundational language skills: listening, speaking, reading, writing, and thinking--beginning reading and writing. The student develops word structure knowledge through phonological awareness, print concepts, phonics, and morphology to communicate, decode, and spell. The student is expected to:
 - (A) demonstrate and apply phonetic knowledge by:
 - (i) differentiating between commonly confused terms such as porque/porqué/por qué/por que, asimismo (adverbio)/así mismo (de la misma manera), sino/si no, and también/tan bien;
 - (ii) decoding palabras agudas, graves, esdrújulas, and sobresdrújulas (words with the stress on the last, penultimate, and antepenultimate [~~penultimate, and ultimate/last~~] syllable and words with the stress on the syllable before the antepenultimate);
 - (iii) decoding words with hiatus and diphthongs; and
 - (iv) using knowledge of syllable division patterns and morphemes to decode multisyllabic words;

- (B) demonstrate and apply spelling knowledge by:
 - (i) spelling palabras agudas, graves, esdrújulas, and sobresdrújulas (words with the stress on the antepenultimate, penultimate, and ultimate/last syllable and words with the stress on the syllable before the antepenultimate);
 - (ii) marking accents appropriately when conjugating verbs in simple and imperfect past, perfect conditional, and future tenses; and
 - (iii) spelling words with diphthongs and hiatus; and
 - (C) write legibly in cursive.
- (3)-(5) (No change.)
- (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:
- (A) establish purpose for reading assigned and self-selected text;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and [¿] correct [¿] or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine the main idea and key ideas;
 - (H) synthesize information to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
- (7)-(8) (No change.)
- (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:
- (A) demonstrate knowledge of literary genres such as realistic fiction, adventure stories, historical fiction, mysteries, humor, and myths;
 - (B) analyze the effect of meter and structural elements such as line breaks in poems across a variety of poetic forms;
 - (C) analyze how playwrights develop characters through dialogue and staging;
 - (D) analyze characteristics and structural elements of informational text, including:
 - (i) the central or controlling idea or thesis with supporting evidence;
 - (ii) features such as introduction, foreword, preface, references, or acknowledgements to gain background information; and
 - (iii) organizational patterns such as definition, classification, advantage, and disadvantage;
 - (E) analyze characteristics and structures of argumentative text by:
 - (i) identifying the claim;

- (ii) explaining how the author uses various types of evidence to support the argument; and
 - (iii) identifying the intended audience or reader; and
 - (F) analyze characteristics of multimodal and digital texts ; and []
 - (G) analyze the distinguishing characteristics of literary nonfiction such as diaries, journals, and personal narratives.
- (10)-(11) (No change.)
- (12) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. The student is expected to:
- (A) compose literary texts such as personal narratives, fiction, and poetry using genre characteristics and craft;
 - (B) compose informational texts, including multi-paragraph essays that convey information about a topic, using a clear central or controlling idea or thesis statement and genre characteristics and craft;
 - (C) compose multi-paragraph argumentative texts using genre characteristics and craft; and
 - (D) compose correspondence that reflects an opinion, registers a complaint, or requests information in a business or friendly structure.
- (13) (No change.)

§128.22. English Learners Language Arts (ELLA), Grade 7, Adopted 2017.

- (a)-(b) (No change.)
- (c) Knowledge and skills.
 - (1)-(5) (No change.)
 - (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. Based on the student's language proficiency level, the student is expected to:
 - (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and [] correct [] or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine the main idea and key ideas;
 - (H) synthesize information to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
 - (7)-(8) (No change.)
 - (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within

and across increasingly complex traditional, contemporary, classical, and diverse texts. Based on the student's language proficiency level, the student is expected to:

- (A) demonstrate knowledge of literary genres such as realistic fiction, adventure stories, historical fiction, mysteries, humor, myths, fantasy, and science fiction;
- (B) analyze the effect of rhyme scheme, meter, and graphical elements such as punctuation and capitalization in poems across a variety of poetic forms;
- (C) analyze how playwrights develop characters through dialogue and staging;
- (D) analyze characteristics and structural elements of informational text, including:
 - (i) the central or controlling idea or thesis with supporting evidence;
 - (ii) features such as references or acknowledgements, chapters, sections, subsections, bibliography, tables, graphs, captions, bullets, and numbers; and
 - (iii) organizational patterns that support multiple topics, categories, and subcategories;
- (E) analyze characteristics and structures of argumentative text by:
 - (i) identifying the claim;
 - (ii) explaining how the author uses various types of evidence and consideration of alternatives to support the argument; and
 - (iii) identifying the intended audience or reader; and
- (F) analyze characteristics of multimodal and digital texts ; and []
- (G) analyze the distinguishing characteristics of literary nonfiction such as diaries, journals, and memoirs.

(10)-(11) (No change.)

(12) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. Based on the student's language proficiency level, the student is expected to:

- (A) compose literary texts such as personal narratives, fiction, and poetry using genre characteristics and craft;
- (B) compose informational texts, including multi-paragraph essays that convey information about a topic, using a clear central or controlling idea or thesis statement and genre characteristics and craft;
- (C) compose multi-paragraph argumentative texts using genre characteristics and craft; and
- (D) compose correspondence that reflects an opinion, registers a complaint, or requests information in a business or friendly structure.

(13) (No change.)

§128.23. English Learners Language Arts (ELLA), Grade 8, Adopted 2017.

(a)-(b) (No change.)

(c) Knowledge and skills.

(1)-(5) (No change.)

(6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. Based on the student's language proficiency level, the student is expected to:

- (A) establish purpose for reading assigned and self-selected texts;

- (B) generate questions about text before, during, and after reading to deepen understanding and gain information;
 - (C) make and [] correct [] or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine the main idea and key ideas;
 - (H) synthesize information to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
- (7) (No change.)
- (8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--literary elements. The student recognizes and analyzes literary elements within and across increasingly complex traditional, contemporary, classical, and diverse literary texts. Based on the student's language proficiency level, the student is expected to:
- (A) analyze how themes are developed through the interaction of characters and events;
 - (B) analyze how characters' motivations and behaviors influence events and resolution of the conflict;
 - (C) analyze non-linear plot development such as flashbacks, [~~foreshadowing,~~] subplots, and parallel plot structures and compare it to linear plot development; and
 - (D) explain how the setting influences the values and beliefs of characters.
- (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. Based on the student's language proficiency level, the student is expected to:
- (A) demonstrate knowledge of literary genres such as realistic fiction, adventure stories, historical fiction, mysteries, humor, fantasy, science fiction, and short stories;
 - (B) identify structural elements such as rhyme, repetition, and alliteration and analyze how language contributes to the meaning of a poem;
 - (C) analyze the effect of graphical elements such as punctuation and line length in poems across a variety of poetic forms such as epic, lyric, and humorous poetry;
 - (D) analyze how playwrights develop dramatic action through the use of acts and scenes;
 - (E) analyze characteristics and structural elements of informational text, including:
 - (i) the central or controlling idea or thesis with supporting evidence;
 - (ii) features such as footnotes, endnotes, and citations; and
 - (iii) multiple organizational patterns within a text to develop the thesis;
 - (F) analyze characteristics and structures of argumentative text by:
 - (i) identifying the claim and analyzing the argument;
 - (ii) identifying and explaining the counter argument; and
 - (iii) identifying the intended audience or reader; [~~and~~]
 - (G) analyze characteristics of multimodal and digital texts ; and []

(H) analyze the distinguishing characteristics of literary nonfiction such as diaries, journals, and memoirs.

(10)-(11) (No change.)

(12) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. Based on the student's language proficiency level, the student is expected to:

(A) compose literary texts such as personal narratives, fiction, and poetry using genre characteristics and craft;

(B) compose informational texts, including multi-paragraph essays that convey information about a topic, using a clear central or controlling idea or thesis statement and genre characteristics and craft;

(C) compose multi-paragraph argumentative texts using genre characteristics and craft; and

(D) compose correspondence that reflects an opinion, registers a complaint, or requests information in a business or friendly structure.

(13) (No change.)

Subchapter C. High School

§128.34. English I for Speakers of Other Languages (One Credit), Adopted 2017.

- (a)-(b) (No change.)
- (c) Knowledge and skills.
- (1)-(5) (No change.)
- (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and comprehend increasingly complex texts. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:
- (A) establish purpose for reading assigned and self-selected texts;
 - (B) answer and generate questions about text before, during, and after reading to acquire and deepen understanding and gain information;
 - (C) make and correct or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) actively participate in discussions to identify, understand, and evaluate details read to determine the main idea and key ideas;
 - (H) synthesize information from two texts to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
- (7) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:
- (A) describe personal connections to a variety of sources, including self-selected texts;
 - (B) write responses that demonstrate understanding of texts, including comparing texts within and across genres;
 - (C) use text evidence and original commentary to support a comprehensive response;
 - (D) paraphrase and summarize texts in ways that maintain meaning and logical order;
 - (E) interact with sources in meaningful ways such as labeling, notetaking, annotating, freewriting, or illustrating;
 - (F) respond using acquired content and academic vocabulary as appropriate;
 - (G) discuss and write about the explicit or implicit meanings of text;
 - (H) respond orally or in writing with appropriate register, vocabulary, tone, and voice;
 - (I) reflect on and adjust responses when valid evidence warrants;
 - (J) defend or challenge the authors' claims using relevant text evidence; and
 - (K) express opinions, ideas, and feelings ranging from communicating single words and short phrases to participating in extended discussions ; and []
 - (L) discuss the ways in which diverse texts generate understanding of varied perspectives.

- (8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--literary elements. The student recognizes and analyzes literary elements within and across increasingly complex traditional, contemporary, classical, and diverse literary texts. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:
- (A) identify and analyze how themes are developed through characterization and plot in a variety of literary texts;
 - (B) identify and analyze how authors develop complex yet believable characters in works of fiction through a range of literary devices, including character foils;
 - (C) identify and analyze non-linear plot development such as flashbacks, [foreshadowing] subplots, and parallel plot structures and compare it to linear plot development; and
 - (D) identify and analyze how the setting influences the theme.
- (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:
- (A) read and respond to American, British, and world literature;
 - (B) identify and analyze the structure, prosody, and graphic elements such as line length and word position in poems across a variety of poetic forms;
 - (C) identify and analyze the function of dramatic conventions such as asides, soliloquies, dramatic irony, and satire;
 - (D) identify and analyze characteristics and structural elements of informational texts such as:
 - (i) controlling idea and clear thesis, relevant supporting evidence, pertinent examples, and conclusion;
 - (ii) chapters, sections, subsections, bibliography, tables, graphs, captions, bullets, and numbers; and
 - (iii) multiple organizational patterns within a text to develop the thesis;
 - (E) identify and analyze characteristics and structural elements of argumentative texts such as:
 - (i) clear arguable claim, appeals, and convincing conclusion;
 - (ii) various types of evidence and treatment of counterarguments, including concessions and rebuttals; and
 - (iii) identifiable audience or reader; [and]
 - (F) identify and analyze characteristics of multimodal and digital texts ; and []
 - (G) read and respond to literary nonfiction such as speeches and literary essays.
- (10) Author's purpose and craft: listening, speaking, reading, writing, and thinking using multiple texts. The student uses critical inquiry to analyze the authors' choices and how they influence and communicate meaning within a variety of texts. The student analyzes and applies author's craft purposefully in order to develop his or her own products and performances. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:
- (A) identify and analyze the author's purpose, audience, and message within a text;
 - (B) identify and analyze use of text structure to achieve the author's purpose;

- (C) identify and evaluate the author's use of print and graphic features to achieve specific purposes;
- (D) identify and analyze how the author's use of language achieves specific purposes;
- (E) identify and analyze the use of literary devices such as irony and oxymoron to achieve specific purposes;
- (F) identify and analyze how the author's diction and syntax contribute to the mood, voice, and tone of a text;
- (G) identify and analyze the use of rhetorical devices, including allusion, repetition, appeals, and rhetorical questions; ~~and~~
- (H) identify and explain the purpose of rhetorical devices such as understatement and overstatement and the effect of logical fallacies such as straw man and red herring arguments ; ~~and~~ []
- (I) discuss the artistic qualities of diverse texts.

(11)-(13) (No change.)

§128.35. English II for Speakers of Other Languages (One Credit), Adopted 2017.

(a)-(b) (No change.)

(c) Knowledge and skills.

(1)-(5) (No change.)

- (6) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:
 - (A) establish purpose for reading assigned and self-selected texts;
 - (B) generate questions about text before, during, and after reading to acquire and deepen understanding and gain information;
 - (C) make and correct or confirm predictions using text features, characteristics of genre, and structures;
 - (D) create mental images to deepen understanding;
 - (E) make connections to personal experiences, ideas in other texts, and society;
 - (F) make inferences and use evidence to support understanding;
 - (G) evaluate details read to determine the main idea and key ideas;
 - (H) synthesize information from multiple texts to create new understanding; and
 - (I) monitor comprehension and make adjustments such as re-reading, using background knowledge, asking questions, and annotating when understanding breaks down.
- (7) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:
 - (A) describe personal connections to a variety of sources, including self-selected texts;
 - (B) write responses that demonstrate understanding of texts, including comparing texts within and across genres;
 - (C) use text evidence and original commentary to support an interpretive response;

- (D) paraphrase and summarize texts in ways that maintain meaning and logical order;
 - (E) interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating;
 - (F) respond using acquired content and academic vocabulary as appropriate;
 - (G) discuss and write about the explicit or implicit meanings of text;
 - (H) respond orally or in writing with appropriate register, vocabulary, tone, and voice;
 - (I) reflect on and adjust responses when valid evidence warrants;
 - (J) defend or challenge the authors' claims using relevant text evidence; and
 - (K) express opinions, ideas, and feelings ranging from communicating in single words and short phrases to participating in extended discussions ; and []
 - (L) discuss the ways in which diverse texts generate understanding of varied perspectives.
- (8) (No change.)
- (9) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:
- (A) read and analyze world literature across literary periods;
 - (B) analyze the effects of metrics; rhyme schemes; types of rhymes such as end, internal, slant, and eye; and other conventions in poems across a variety of poetic forms;
 - (C) analyze the function of dramatic conventions such as asides, soliloquies, dramatic irony, and satire;
 - (D) analyze characteristics and structural elements of informational texts such as:
 - (i) clear thesis, relevant supporting evidence, pertinent examples, and conclusion;
 - (ii) chapters, sections, subsections, bibliography, tables, graphs, captions, bullets, and numbers to locate, explain, or use information and gain understanding of text;
 - (iii) organizational patterns such as description, temporal sequence, cause and effect, compare and contrast, and problem and solution; and
 - (iv) the relationship between organizational design and thesis;
 - (E) analyze characteristics and structural elements of argumentative texts such as:
 - (i) controlling idea and clear arguable claim, appeals, and convincing conclusion;
 - (ii) various types of evidence and treatment of counterarguments, including concessions and rebuttals; and
 - (iii) identifiable audience or reader; and
 - (F) analyze characteristics of multimodal and digital texts ; and []
 - (G) read and respond to literary nonfiction such as speeches and literary essays.
- (10) Author's purpose and craft: listening, speaking, reading, writing, and thinking using multiple texts. The student uses critical inquiry to analyze the authors' choices and how they influence and communicate meaning within a variety of texts. The student analyzes and applies author's craft purposefully in order to develop his or her own products and performances. Based on the student's language proficiency level, and with appropriately provided English language development scaffolding, the student is expected to:

- (A) analyze the author's purpose, audience, and message within a text;
- (B) analyze use of text structure to achieve the author's purpose;
- (C) evaluate the author's use of print and graphic features to achieve specific purposes;
- (D) analyze how the author's use of language informs and shapes the perception of readers;
- (E) analyze the use of literary devices such as irony, sarcasm, and motif to achieve specific purposes;
- (F) analyze how the author's diction and syntax contribute to the mood, voice, and tone of a text; and
- (G) analyze the purpose of rhetorical devices such as appeals, antithesis, parallelism, and shifts and the effects of logical fallacies ; and []
- (H) discuss the artistic qualities of diverse texts.

(11)-(13) (No change.)

Perkins V Transition Plan

April 5, 2019

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

SUMMARY: This item provides the opportunity for the committee and the board to hear an update on the reauthorization of federal Perkins funding and approve the transition plan for the state of Texas in compliance with the reauthorization.

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

TEC, §7.109, designates the State Board of Education 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.

PREVIOUS BOARD ACTION: The Committee of the Full Board discussed the Perkins Reauthorization and Transition Plan at its January. 29, 2019 meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: On July 31, 2018, the president signed the *Strengthening Career and Technical Education for the 21st Century Act*, commonly referred to as Perkins V, into law. Section 122 (a) of the Act 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. Texas has received approval from the governor to submit a CTE transition plan for 2019-2020 in preparation for a full Perkins State four-year plan for 2020-2021 and beyond. 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 transition plans significantly consolidates the information required in order to prepare for full implementation in 2020-2021.

The requirements in the Perkins Act support a renewed vision of career and technical education (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 career and technical education students, alignment with regional labor market needs, and improves state and local accountability, and strengthens the connections between secondary and postsecondary education.

PUBLIC BENEFIT AND COST TO PERSONS: This item increases the public's awareness of the reauthorized Perkins act and the transition plan for the state of Texas to comply with the requirements of the reauthorization. There is no anticipated economic cost to persons who are required to comply with the proposal.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve the Perkins V Transition Plan.

Staff Members Responsible:

Jarrad Toussant, Deputy Director, College, Career, and Military Preparation Division

Ryan Merritt, Director of Career and Technical Education, College, Career, and Military Preparation Division

Attachment: Proposed Perkins V Transition Plan



Strengthening Career and Technical Education for the 21st Century Act (Perkins V)

Transition Plan

TABLE OF CONTENTS

I.	COVER PAGE.....	9
II.	NARRATIVE DESCRIPTIONS	11
	A. Plan Development and Consultation.....	11
	B. Program Administration and Implementation	11
	1. State’s Vision for Education and Workforce Development	11
	2. Implementing Career and Technical Education Programs and Programs of Study.....	13
	3. Meeting the Needs of Special Populations	15
	4. Preparing Teachers and Faculty.....	15
	C. Fiscal Responsibility.....	15
	D. Accountability for Results	17
III.	ASSURANCES, CERTIFICATIONS, AND OTHER FORMS	20
	A. Statutory Assurances.....	20
	B. EDGAR Certifications	21
	C. Other Forms	21
IV.	BUDGET	22
	A. Instructions.....	22
	B. Budget Form	24
V.	STATE DETERMINED PERFORMANCE LEVELS (SDPL)	25
	A. Instructions.....	25
	B. State Determined Performance Levels (SDPLs) Form.....	30
TABLES:		
Table 1:	Checklist of Items Required in Perkins V State Plans Submitted in FY 2019	3
Table 2:	Timeline for Eligible Agencies Submitting a 1-Year Transition Plan Covering FY 2019.....	7
Table 3:	Section 113(b) Core Indicators of Performance	27

Table 1: Checklist of Items Required to be Submitted in FY 2019

State Plan Items	OPTION 1: 1-Year Transition Plan (FY 2019 only)	OPTION 2: Perkins V State Plan (FY 2019-2023)
I. Cover Page	Required	Required
II. Narrative Descriptions		
A. Plan Development and Coordination	Not required	Required
B. Program Administration and Implementation	Only Items B.2.a-e, and B.3.a	Required
C. Fiscal Responsibility	Required	Required
D. Accountability for Results	Not required	Not required*
III. Assurances, Certifications, and Other Forms	Required	Required
IV. Budget	Required	Required
V. State Determined Performance Levels (SDPL)	Not required	Not required



Table 2: Timeline for Eligible Agencies Submitting 1-Year Transition Plans Covering FY 2019

Action	FY 2019 (July 1, 2019 – June 30, 2020)	FY 2020 (July 1, 2020 – June 30, 2021)	FY 2021 (July 1, 2021 – June 30, 2022)	FY 2022 (July 1, 2022 – June 30, 2023)	FY 2023 (July 1, 2023 – June 30, 2024)	FY 2024 (July 1, 2023 – June 30, 2024)
Submission of State Plan and Performance Levels	Spring 2019 - Agency submits transition plan covering FY 2019	Spring 2020 – Agency submits 4-Year Plan covering FY 2020-23	Spring 2021 – Agency submits revisions, if any	Spring 2022 – Agency submits revisions, if any	Spring 2023 – Agency submits revisions, if any	Spring 2024 – Agency submits new 4-Year Plan covering FY 2024-27 or revisions to 4-Year Plan submitted in FY 2020
Submission/Revision of Performance Levels (as part of State Plan Submission)	N/A	Agency submits SDPLs for FY 20-23, including baseline levels	N/A	Agency revises, as appropriate, SDPLs for FY 2022-23	N/A	Agency submits SDPLs for FY 2024-27 (if new plan) or FY 2024 (if only revisions)
Receipt of Grant Award	July 1, 2019 – Agency receives first installment of FY 2019 grant award	July 1, 2020 – Agency receives first installment of FY 2020 grant award	July 1, 2021 – Agency receives first installment of FY 2020 grant award	July 1, 2022 – Agency receives first installment of FY 2020 grant award	July 1, 2023 – Agency receives first installment of FY 2020 grant award	July 1, 2024 – Agency receives first installment of FY 2020 grant award
	October 1, 2019 – Agency receives final installment of FY 2019 grant award	October 1, 2020 – Agency receives final installment of FY 2020 grant award	October 1, 2021 – Agency receives final installment of FY 2021 grant award	October 1, 2022 – Agency receives final installment of FY 2022 grant award	October 1, 2023 – Agency receives final installment of FY 2023 grant award	October 1, 2024 – Agency receives final installment of FY 2024 grant award



**Strengthening Career and Technical Education for the 21st Century Act
(Perkins V) State Plan**

I. COVER PAGE

- A. State Name: Texas
- B. Eligible Agency (State Board) Submitting Plan on Behalf of State:
Texas Education Agency
- C. Person at, or officially designated by, the eligible agency, identified in Item B above, who is responsible for answering questions regarding this plan. This is also the person designated as the “authorized representative” for the agency.
1. Name: Heather Justice
 2. Official Position Title: Division Director for College, Career, and Military Preparation
 3. Agency: Texas Education Agency
 4. Telephone: (512) 463-9253
 6. Email: heather.justice@tea.texas.gov
- D. Individual serving as the State Director for Career and Technical Education:
- Check here if this individual is the same person identified in Item C above and then proceed to Item E below.
1. Name: Ryan Merritt
 2. Official Position Title: Director of Career and Technical Education
 3. Agency: Texas Education Agency
 4. Telephone: (512) 936-6358
 5. Email: ryan.merritt@tea.texas.gov
- E. Type of Perkins V State Plan Submission - FY 2019 (*Check one*):
- 1-Year Transition Plan (FY2019 only)
- State Plan (FY 2019-23)

F. Type of Perkins V State Plan Submission - Subsequent Years (*Check one*):

- State Plan (FY 2020-23)
- State Plan Revisions, FY 2020
- State Plan Revisions, FY 2021
- State Plan Revisions, FY 2022
- State Plan Revisions, FY 2023

G. Special Features of State Plan Submission (*Check one*):

- WIOA Combined State Plan - *Secondary and Postsecondary*
- WIOA Combined State Plan - *Postsecondary Only*

H. Governor’s Joint Approval of the Perkins V State Plan (*Fill in text box and then check one box below*): **N/A for transition plan**

Date Governor was sent State Plan for signature:

- The Governor has provided a letter that he or she is jointly approving the State plan for submission to the Department.
- The Governor has not provided a letter that he or she is jointly approving the State plan for submission to the Department.

I. By signing this document, the eligible entity, through its authorized representative, agrees:

1. To the assurances, certifications, and other forms enclosed in its State plan submission; and
2. That, to the best of my knowledge and belief, all information and data included in this State plan submission are true and correct.

Authorized Representative Identified in Item C Above (Printed Name) Heather Justice	Telephone: 512-463-9253
Signature of Authorized Representative	Date:

II. NARRATIVE DESCRIPTIONS

A. Plan Development and Consultation

N/A (Transition Year- This section is not required)

1. Describe how the State plan was developed in consultation with the stakeholders and in accordance with the procedures in section 122(c)(2) of Perkins V and as provided in Text Box 1 on the following page.
2. Consistent with section 122(e)(1) of Perkins V, each eligible agency must develop the portion of the State plan relating to the amount and uses of any funds proposed to be reserved for adult career and technical education, postsecondary career and technical education, and secondary career and technical education after consultation with the State agencies identified in section 122(e)(1)(A)-(C) of the Act. If a State agency, other than the eligible agency, finds a portion of the final State plan objectionable, the eligible agency must provide a copy of such objections and a description of its response in the final plan submitted to the Secretary. (Section 122(e)(2) of Perkins V)
3. Describe opportunities for the public to comment in person and in writing on the State plan. (Section 122(d)(14) of Perkins V)

B. Program Administration and Implementation

N/A (Transition Year- This section is not required)

1. State's Vision for Education and Workforce Development

- a. Provide a summary of State-supported workforce development activities (including education and training) in the State, including the degree to which the State's career and technical education programs and programs of study are aligned with and address the education and skill needs of the employers in the State identified by the State workforce development board. (Section 122(d)(1) of Perkins V)
- b. Describe the State's strategic vision and set of goals for preparing an educated and skilled workforce (including special populations) and for meeting the skilled workforce needs of employers, including in existing and emerging in-demand industry sectors and occupations as identified by the State, and how the State's career and technical education programs will help to meet these goals. (Section 122(d)(2) of Perkins V)
- c. Describe the State's strategy for any joint planning, alignment, coordination, and leveraging of funds between the State's career and technical education programs and programs of study with the State's workforce development system, to achieve the strategic vision and goals described in section 122(d)(2) of Perkins V, including the core programs defined in section 3 of the Workforce Innovation and Opportunity Act

(29 U.S.C. 3102) and the elements related to system alignment under section 102(b)(2)(B) of such Act (29 U.S.C. 3112(b)(2)(B)); and for programs carried out under this title with other Federal programs, which may include programs funded under the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965. (Section 122(d)(3) of Perkins V)

- d. Describe how the eligible agency will use State leadership funds made available under section 112(a)(2) of the Act for purposes under section 124 of the Act. (Section 122(d)(7) of Perkins V)

2. Implementing Career and Technical Education Programs and Programs of Study

- a. Describe the career and technical education programs or programs of study that will be supported, developed, or improved at the State level, including descriptions of the programs of study to be developed at the State level and made available for adoption by eligible recipients. (Section 122(d)(4)(A) of Perkins V)

Texas is redesigning state level programs of study to include coherent and rigorous content with challenging academic standards and relevant career and technical content. Programs of study will be aligned with state and regional labor market information including high-wage, high-skill, and in-demand occupations. To coincide with the timeline for Perkins V implementation, new programs of study will be available for district review and planning for the 2019-2020 school year and required for implementation in the 2020-2021 school year.

As a part of the program of study revision process, Texas conducted a statewide labor market analysis. When conducting the labor market analysis, Texas discovered several instances where occupations and postsecondary training overlap. These occur in the Business, Marketing, and Finance career clusters as well as the Law and Public Safety and Government career clusters. The Science, Technology, Engineering, and Math (STEM) career cluster did not align with any one industry sector, but rather had occupations spread throughout. Lastly, Texas’ diverse economic landscape includes an entire industry sector, Energy, that was not included in the 16. This analysis led to the recommendation to have 13 advisory committees. These industry advisory committees represent the content across the 16 career clusters and are comprised of secondary and postsecondary CTE faculty, business and industry representatives, and CTE administrator representatives.

16 Career Clusters	Proposed Change to career cluster
Agriculture, Food, & Natural Resources	No Change
Architecture & Construction	No Change
Arts, A/V Technology, & Communications	No Change
Business Management & Administration	Combined with Marketing and Finance
Government & Public Administration	Combined with Law and Public Safety
Education & Training	No Change

Finance	Combined with Marketing and Business
Health Science	No Change
Hospitality & Tourism	No Change
Human Services	No Change
Information Technology	No Change
Law, Public Safety, Corrections, & Security	Combined with Government
Manufacturing	No Change
Marketing	Combined with Business and Finance
STEM	Placed all programs within the aligned career cluster demonstrating the correct industry sector (spread throughout)
Transportation, Distribution, & Logistics	No Change
	Added Energy Career Cluster

As a part of the revision process for programs of study it was important to determine how the state would define the following terms: high-wage, high-skill, and in-demand occupations. Based on the labor market analysis, Texas defines these terms as follows:

- **high-wage:** \$35,339 median annual salary based on the Texas Workforce Commission’s workforce projections as well as real time labor data from Emsi (Emsi is a labor market information source that includes data from the US census bureau and department of labor as well as job postings and online job profiles) through the 2020-2021 school year
- **high-skill:** a program of study demonstrating multiple entrance and exit points into careers including options for exit points from industry-based certifications, postsecondary level one and level two certifications from a technical college or community college, an associate degree, and a bachelor’s degree to ensure program of study sequences are continual and not job-terminal
- **in-demand:** greater than 17% annual growth based on the Texas Workforce Commission’s workforce projections as well as real time labor data from Emsi

In addition to each program of study meeting state labor market definitions, each state-recognized program of study will include:

- rigorous secondary academic courses based on the Foundation High School Program (Texas graduation requirements) with endorsements;
- a coherent sequence of courses in secondary education leading to multiple entry and exit points within careers including industry-based certifications, postsecondary level one and level two certificates from a technical college or community college, associate degrees, bachelor’s degrees, and/or graduate degrees (where applicable);
- relevant early college credit opportunities, including dual credit, statewide and locally-articulated credit, advanced placement (AP) and/or international baccalaureate (IB) credit;
- work-based learning activities and capstone experiences for each program of study

Appendix A provides examples of the programs of study being developed at the state level. This resource will be sent out across the state to Education Service Center (ESC) CTE specialists, counselors, CTE administrators, CTE teachers, and campus administrators. Training on new programs of study will be developed and provided through the 20 ESC regions to meet the needs of CTE administrators and teachers. All resources will be accessible for students, parents, counselors, and students with disabilities. To the extent possible, all resources will be provided in Spanish.

At the postsecondary level the Texas Higher Education Coordinating Board (THECB) is undertaking a similar program of study development process. The process builds upon foundational work of TEA to fully develop the sequence of courses in each program of study that is aligned to an associate of applied science degree.

- the programs of study are developed by Board appointed committees whose members are faculty from secondary and postsecondary, business and industry professionals, and other career and technical education experts
- the committees make recommendations concerning the sequence of courses in each program of study to the Board
- the process outlined above is codified in Texas Education Code, Section 6.8235

The Programs of Study (POS) initiative for workforce programs helps advance the four broad goals of the Texas Higher Education Coordinating Board's (THECB's) 60x30TX strategic plan for Texas higher education, defined as:

- by 2030, at least 60 percent of Texans ages 25-34 will have a certificate or degree
- by 2030, at least 550,000 students will complete a certificate, associate, bachelor's, or master's from an institution of higher education in Texas per year
- all graduates from Texas public institutions of higher education will have completed programs with identified marketable skills
- by 2030, undergraduate student loan debt will not exceed 60 percent of first-year wages for graduates of Texas public institutions

Because these approved sets of courses will both transfer and apply to degree programs, these initiatives promote a cost-effective pathway to earn the culminating credential/degree. This increases the number of postsecondary graduates in Texas.

- b. Describe the process and criteria to be used for approving locally developed programs of study or career pathways, including how such programs address State workforce development and education needs and the criteria to assess the extent to which the local application under section 132 will—
 - i. promote continuous improvement in academic achievement and technical skill attainment;
 - ii. expand access to career and technical education for special populations; and
 - iii. support the inclusion of employability skills in programs of study and career pathways. (Section 122(d)(4)(B) of Perkins V)

LEAs will have the opportunity to choose from the state-recognized list of programs

of study which will meet all requirements for the definition of a quality program of study through their local application for funding. If LEAs do not choose from the state-recognized list of programs of study, LEAs will have the option to submit regional programs of study demonstrating the coherent sequence of courses that meet the definition for a quality program of study (per state-recognized requirements). These applications must explicitly be specific to regional labor market information and demand. This application will open in November of 2019 and will run through January of 2020 to ensure that TEA can review and approve acceptable programs of study prior to the local application for funding of Perkins. The regional programs of study must meet the state’s definition for programs of study demonstrating high-wage, high-skill, and in-demand occupations.

Data will be collected and disaggregated by each special population category to ensure that students have equitable access to high-quality CTE programs. TEA will use baseline data in 2019-2020 and will define the metrics the state will use to push for equitable access and ensure that students in special populations have continued and expanded access to CTE programming. 2019-2020 will disaggregate data down to the career cluster level. 2020-2021 will disaggregate data down to the program of study level. This information will be shared with districts. TEA will work with ESCs to provide training on how to recruit and retain students in special populations. TEA will partner with the National Association of Partners in Equity to provide training to TEA and ESC staff to assist in providing professional development to districts.

All CTE programs of study will include the opportunity for Work-Based Learning (WBL) experiences that, at the capstone level, include employability skills and the demonstration of said employability skills prior to completion of the course/capstone experience. Additionally, many of the CTE courses within each program of study embed employability skills within the Texas Essential Knowledge and Skill statements (TEKS).

TEA is also working to define WBL for the state of Texas and develop a statewide framework for WBL to expand opportunities for students down to elementary school. This framework will focus on incorporation of career awareness, career exploration, career preparation, and career training.

- c. Describe how the eligible agency will—
 - i. make information on approved programs of study and career pathways (including career exploration, work-based learning opportunities, early college high schools, and dual or concurrent enrollment program opportunities) and guidance and advisement resources, available to students (and parents, as appropriate), representatives of secondary and postsecondary education, and special populations, and to the extent practicable, provide that information and those resources in a language students, parents, and educators can understand;
TEA is in the process of creating program of study templates for counselors, administrators, and teachers to use in conversations with students about the appropriate selection of a program of study and a student’s endorsement selection

(Texas Foundational High School Program). An additional version of these documents is also being developed specifically for parents to be able to explain the options available to their children. These templates will be created such that LEAs can download them and adjust according to their offerings and the needs of their school. All documents will be translated into a Spanish version to assist in serving a large portion of families in Texas. See Appendix A for an example of this template.

Texas also provides robust opportunities for students to experience WBL, dual credit, and Early College High schools. In Texas, Early College High Schools are one of four models within the state's College and Career Readiness School Models: 1) Early College High School (ECHS); 2) Pathways in Technology Early College High School (P-TECH); 3) Industry Cluster Innovative Academies (ICIA); and 4) Texas STEM Academies. A key component within the blueprint for these models is strong guidance and counseling support for students. LEAs implementing College and Career Readiness School Models (CCRSM) receive technical assistance from regional coaches to ensure they are supported in implementation of the blueprints for the models. Another key component in the P-TECH and ICIA models is implementation of a program of study aligned to regional labor market information and postsecondary programs. The agency also provides grants to schools to implement P-TECH models and designates schools based on their implementation of the models with fidelity to the state's outcome-based measures (see Appendix B). These grants and designations are announced to all school administrators and leaders across the state via TEA's "To the Administrator Addressed" correspondence as well as through the CTE newsletters and the agency's website. Additionally, TEA provides resources and technical assistance to the schools within the CCRSM.

- ii. facilitate collaboration among eligible recipients in the development and coordination of career and technical education programs and programs of study and career pathways that include multiple entry and exit points;
N/A (Transition Year- This section is not required)
- iii. use State, regional, or local labor market data to determine alignment of eligible recipients' programs of study to the needs of the State, regional, or local economy, including in-demand industry sectors and occupations identified by the State board, and to align career and technical education with such needs, as appropriate;
N/A (Transition Year- This section is not required)
- iv. ensure equal access to approved career and technical education programs of study and activities assisted under this Act for special populations;
N/A (Transition Year- This section is not required)

- v. coordinate with the State board to support the local development of career pathways and articulate processes by which career pathways will be developed by local workforce development boards, as appropriate;
N/A (Transition Year- This section is not required)
- vi. support effective and meaningful collaboration between secondary schools, postsecondary institutions, and employers to provide students with experience in, and understanding of, all aspects of an industry, which may include work-based learning such as internships, mentorships, simulated work environments, and other hands-on or inquiry-based learning activities; and
N/A (Transition Year- This section is not required)
- vii. improve outcomes and reduce performance gaps for CTE concentrators, including those who are members of special populations. (Section 122(d)(4)(C) of Perkins V)
N/A (Transition Year- This section is not required)

- d. Describe how the eligible agency, if it chooses to do so, will include the opportunity for secondary school students to participate in dual or concurrent enrollment programs, early college high school, or competency-based education. (Section 122(d)(4)(D) of Perkins V)

TEA currently has four models within its College and Career Readiness School Models that allow students to earn early college credit prior to high school graduation at no cost to the student. These programs focus on serving economically disadvantaged and at-risk students. The four models are:

- Early College High Schools (ECHS)
- Pathways in Technology Early College High Schools (P-TECH)
- Industry Cluster Innovative Academies (ICIA)
- Texas STEM Academies (T-STEM)

Three of these models, P-TECH, ICIA, and T-STEM, currently require CTE programs of study as a key component in their blueprint. These models encourage students to earn industry-based certifications, postsecondary level one and level two certificates from a technical college or community college, and/or an associate degree prior to high school graduation. The agency also provides grants to schools to implement College and Career Readiness School Models and designates schools based on their implementation of the models with fidelity to the state’s outcome-based measures (see Appendix B).

Additionally, all CTE state-recognized programs of study will embed opportunities for students to earn early college credit whether through dual credit, established articulation agreements, or credential attainment.

- e. Describe how the eligible agency will involve parents, academic and career and technical education teachers, administrators, faculty, career guidance and academic counselors, local business (including small businesses), labor organizations, and representatives of Indian Tribes and Tribal organizations, as appropriate, in the

planning, development, implementation, and evaluation of its career and technical education programs. (Section 122(d)(12) of Perkins V.

N/A (Transition Year- This section is not required)

- f. Include a copy of the local application template that the eligible agency will require eligible recipients to submit pursuant to section 134(b) of Perkins V.

N/A (Transition Year- This section is not required)

- g. Include a copy of the local needs assessment template that the eligible agency will require eligible recipients to submit pursuant to section 134(c) of Perkins V.

N/A (Transition Year- This section is not required)

- h. Provide the definition for “size, scope, and quality” that the eligible agency will use to make funds available to eligible recipients pursuant to section 135(B) of Perkins V.

Career & Technical Education (CTE) programs of study must meet the criteria of sufficient size, scope, and quality to be effective and seek funding under the Act. Size is defined as providing sufficient opportunity for youth and adult learners to matriculate through concentrator and completer status at the secondary and postsecondary levels. This means that LEAs must offer at least one program of study aligned to regional labor market data and provide the opportunity for students to complete a program of study within four years. Completion is defined as three or more courses for four or more credits. Scope is defined as including rigorous academic and technical standards, employability skills, and by providing students with opportunities to earn industry-recognized credentials, participate in work-based learning experiences, and connect secondary to postsecondary coursework. Quality is defined as providing sufficient opportunity to meet or exceed performance targets under the Act, provide support for special populations enrolled in the CTE program of study, and procedures to continuously improve all aspects of programs under the Act.

3. Meeting the Needs of Special Populations

- a. Describe its program strategies for special populations, including a description of how individuals who are members of special populations—

- i. will be provided with equal access to activities assisted under this Act;
TEA has a contract for a statewide CTE evaluation that will look at results of CTE participants and CTE concentrators at the career cluster level and will disaggregate the information based on the student populations categories. TEA will also partner with an external group/consultant to ensure that there is training provided to internal TEA staff and external education service center CTE specialists. Resources will be provided to CTE administrators on how to interpret the results of the data and best address performance gaps in CTE programming.

At both the secondary and postsecondary levels, applicants for Perkins funding must indicate the steps taken to ensure that all individuals from special populations are provided equal access to CTE programs and activities. Local programs are required to sign provisions and assurances in their contractual agreements with the State to receive Perkins funding. Secondary recipients must include corrective action plans for any barriers that exist for these groups.

In the eGrant application for secondary Perkins funds, districts must identify strategies to meet the needs of special populations, including strategies to assure that students who are members of special populations are provided equal access to CTE programs. If the admission, referral, and dismissal (ARD) committee for students with disabilities refers a student to a CTE sequence of courses, the committee must include a CTE representative, preferably a CTE teacher, so students are appropriately placed and served in CTE programs.

THECB reports that postsecondary institutions use a variety of strategies for assisting special populations such as:

- providing outreach and recruitment information;
- identifying and following up with special populations students;
- determining special needs for accommodations so that students can succeed;
- providing in-service activities for CTE teachers, counselors, and administrators;
- providing special instructional materials as needed; and
- providing Perkins funds for child care, transportation, and textbook loan programs

Eligible recipients at the local level ensure that strategies and services for special populations in CTE programs are appropriate and prepare special population students for high-skill, high-wage, or high-demand occupations. Additional strategies include:

- career exploration activities and resources that are free of gender bias;
- comprehensive career development for academic counseling and career guidance;
- equitable access to quality work-based learning opportunities; and
- information on nontraditional training in high-skill, high-wage, or high-demand fields.

Each postsecondary institution must describe in the local application how it will meet the needs of special populations.

- ii. will not be discriminated against based on status as a member of a special population;

As a recipient of federal financial assistance, LEAs and charter schools are required to comply with federal laws and regulations that prohibit discrimination based on race, color, national origin, sex, and disability. School districts ensure equal access to programs through yearly non-discrimination notifications to students, parents, school employees, and the general public. Nondiscrimination statements are required in all district publications.

TEA monitors special population subgroups to ensure that there is no form of exclusion from CTE programs or a disproportionately high number of special population students in CTE programs. This monitoring also tracks the performance of special population students in CTE programs. Risk factors in these areas may trigger a monitoring visit.

The identification of campuses within districts is based on methodology that reviews the disproportionality of representation of student groups enrolled in CTE courses in comparison to the demographics represented on the campus. Additional consideration is also based on the number of years since the last on-site review and the student enrollment count on the campus. Campuses are selected for review based on the agency's targeting plan. The selection criteria in the targeting plan places emphasis on the provision of equitable opportunities for students to participate in CTE. Categories considered include: African-American students, Hispanic students, male students, female students, students with disabilities, and students with limited English proficiency. Each category enrolled in a CTE course is compared to the general population enrolled in a CTE program. Campuses reviewed within the last five years are not selected for an on-site review.

Individuals who have complaints regarding program access issues may take their concern to their local school board or to TEA. All complaints and their resolutions are reported biannually to the Office for Civil Rights (OCR).

TEA and THECB conduct a system of regularly scheduled program access (OCR) onsite visits to secondary and postsecondary institutions as required by federal rules and regulations. Eligible recipients are required to provide assurances of nondiscrimination through their local application. Technical assistance and professional development in the area of nondiscrimination are available to eligible recipients from TEA and THECB staff and through state leadership activities. A strict policy prohibiting discrimination is included in the provisions and assurances of all Perkins grants.

Texas universities and community, state, and technical colleges are required to be non-discriminatory and must post a statement to that effect in all college publications. Data on student populations are gathered, reported, and analyzed through the THECB's accountability and reporting systems. The THECB has a staff member who has the responsibility of conducting Methods of Administration (MOA) for civil rights compliance site visits. Every other year a report is submitted to the U.S. Department of Education Office for Civil Rights regarding the findings and resolutions from the MOA site visits from the preceding two years. Additionally, the staff person attends the annual training by the OCR. The required on-site visits will continue to be conducted according to the state's federally-approved targeting plan.

- iii. will be provided with programs designed to enable individuals who are members of special populations to meet or exceed State determined levels of performance described in section 113, and prepare special populations for further learning and for high-skill, high-wage, or in-demand industry sectors or occupations; **N/A (Transition Year- This section is not required)**
- iv. will be provided with appropriate accommodations; and
In Texas, a child's eligibility for special education services and most of the major decisions about a child's special education program are made by an admission, review, and dismissal (ARD) committee. This group is also referred to as an individualized education program (IEP) team, which is the term used in federal law. CTE teachers are required to be included on this team when the child is placed in a CTE course.

An ARD committee must be formed to review and determine whether a student is eligible for special education and related services. The ARD committee members include the following:

- the parent;
- at least one regular education teacher of the child who must, when possible, be a teacher who is responsible for implementing a portion of the child's IEP;
- at least one special education teacher or provider for the child;
- a representative of the school;
- a person who can interpret the instructional implications of the evaluation results;
- other individuals who have knowledge or special expertise regarding the child and are invited by either the parent or the school;
- whenever appropriate, the child;
- to the extent appropriate, with parent's written consent or, after the child reaches age 18, with the adult child's written consent, a representative of any participating agency that is likely to be responsible for providing or paying for transition services;

- a representative from career and technical education, preferably the teacher, if the child is being considered for initial or continued placement in career and technical education; and
- a professional staff member who is on the language proficiency assessment committee, if the child is identified as an English language learner.

The ARD committee also includes, as applicable:

- a teacher who is certified in the education of students with auditory impairments, if the child has a suspected or documented auditory impairment;
- a teacher who is certified in the education of students with visual impairments, if the child has a suspected or documented visual impairment; or
- a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students with auditory impairments, if the child has suspected or documented deafness-blindness.

In addition, the ARD committee must address special factors for some children, as follows:

- consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior when a child's behavior impedes learning;
 - consider the language needs of the child as those needs relate to the child's IEP when the child qualifies as a child with limited English proficiency; provide for instruction in braille and the use of braille, unless the committee determines that instruction in braille or the use of braille is not appropriate for the child when the child is blind or visually impaired;
 - consider the communication needs of the child, and for the child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
 - consider whether the child needs assistive technology devices and services.
- v. will be provided instruction and work-based learning opportunities in integrated settings that support competitive, integrated employment. (Section 122(d)(9) of Perkins V)
N/A (Transition Year- This section is not required)

4. Preparing Teachers and Faculty

N/A (Transition Year- This section is not required)

- a. Describe how the eligible agency will support the recruitment and preparation of teachers, including special education teachers, faculty, school principals, administrators, specialized instructional support personnel, and paraprofessionals to provide career and technical education instruction, leadership, and support, including professional development that provides the knowledge and skills needed to work with and improve instruction for special populations. (Section 122(d)(6) of Perkins V)

C. Fiscal Responsibility

1. Describe the criteria and process for how the eligible agency will approve eligible recipients for funds under this Act, including how—

- a. each eligible recipient will promote academic achievement;

All programs of study must include opportunities for rigorous academic and technical skills attainment. At the state level, vertical teams of secondary teachers, postsecondary faculty, and industry partners have collaborated to align the academic and technical standards for each program of study. In 2019-2020, TEA will conduct a gap analysis to ensure course standards reflect academic, technical, and employability skills necessary for success in these occupations. This process will be done in collaboration with a system from Texas State Technical College. Programs of study will include advanced academic courses where applicable, such as Advanced Placement courses, dual credit, etc.

Additionally, the state will use 2019-2020 to determine baseline data for CTE concentrator achievement in STAAR EOCs. These will be included in both Perkins reporting as well as the state's Performance Based Monitoring Analysis System (PBMAS). This state accountability system annually monitors the academic performance and graduation rates of every district's CTE concentrators, including the following CTE subpopulations: CTE limited English proficient (LEP), CTE economically disadvantaged, CTE special education, and CTE nontraditional students. When a district's CTE students demonstrate low performance, TEA places the district in a stage of intervention. Districts are required to submit to TEA documentation of intervention activities including the compliance review, focused data analysis, systems analysis, a continuous improvement plan, and/or a corrective action plan if monitors find noncompliance with law or rule.

- b. each eligible recipient will promote skill attainment, including skill attainment that leads to a recognized postsecondary credential; and

All state-recognized programs of study will lead to a postsecondary credential or degree. Program of study templates, located in Appendix A, demonstrate the multiple entry and exit points for credential attainment. TEA tracks credential attainment through PEIMS reporting as well as data sharing agreements with THECB. These reports are currently made available in the Texas Academic Performance Reports (TAPR) system. Additionally, the state's accountability plan for ESSA aligns with college and career

readiness benchmarks providing credit to districts who have students earn one of the measures listed below. LEAs and schools receive A-F grades, one factor of which is their score on college and career readiness, and these grades are reported publicly.

(*implementation in 2019 and beyond)

- a. meet criteria of 3 on AP or 4 on IB examinations
 - b. meet TSI criteria (SAT/ACT/TSIA/College Prep course) in reading and mathematics
 - c. complete a course for dual credit (9 hours or more in any subject or 3 hours or more in ELAR/mathematics)
 - d. earn an associate degree
 - e. complete an OnRamps course*
 - f. meet standards on a composite of indicators of college readiness*
 - g. earn industry-based certification
 - h. CTE coherent sequence coursework completion and credit aligned with approved industry-based certifications (one-half point credit)
 - i. graduate with completed IEP and workforce readiness (graduation type code of 04, 05, 54, or 55)
 - j. be admitted to postsecondary industry certification program*
 - k. enlist in the United States Armed Forces
- c. each eligible recipient will ensure the local needs assessment under section 134 takes into consideration local economic and education needs, including, where appropriate, in-demand industry sectors and occupations. (Section 122(d)(5) of Perkins V)

LEAs will submit, in summer of 2019 for the 2019-2020 school year, a local plan per the Perkins IV process. This is to ensure LEAs can seamlessly continue offering CTE programs during the transition to Perkins V.

During the 2019-2020 transition year, TEA will revise the local plan to reflect the new local application for funding requirements, including a regional needs assessment that will drive the development of the local application for funding. LEAs will be trained on the new local application for funding and needs assessment during spring of 2020 to support the submission of their new application. Eligible recipients must annually submit a local plan to receive Perkins funds. Local plans for secondary and postsecondary institutions must meet all the elements required in the Perkins Act. Eligible recipients must complete an online application and provide all information required prior to funding approval. Each application is reviewed to determine compliance with all legal requirements. Eligible recipients must also submit an evaluation and use of funds report each year.

The local plans for both secondary and postsecondary institutions must provide performance targets and strategies for continuous improvement of academic achievement and technical skill attainment. Current and emerging occupational

opportunities are identified through the analysis of statewide and regional data provided by the local Workforce Development Boards and/or through Labor Market and Career Information made available through TWC. TEA is working with TWC and THECB to provide regional labor data dashboards where LEAs will have access to regional labor market projections, workforce development area targeted occupations, and real time labor data to drive the alignment of the regional needs assessment with regional labor market information.

- Texas defines high-wage as \$35,339 annual median salary based on the Texas Workforce Commission’s workforce projections as well as real time labor data from Emsi through the 2020-2021 school year.
- In secondary education, Texas defines high-skill as a program of study demonstrating multiple entrance and exit points into careers including options for exit points from industry-based certifications, postsecondary level one and level two certifications from a technical college or community college, an associate degree, and a bachelor’s degree to ensure program of study sequences are continual and not job terminal.
- Texas defines in-demand as having greater than 17% annual growth based on the Texas Workforce Commission’s workforce projections as well as real time labor data from Emsi.
- Additionally, LEAs within the workforce development regions will have the opportunity to use local information to demonstrate regional definitions and submit program of study applications for approval that meet the regional definitions of high-wage and in-demand. The definitions must align with the targeted occupations and definitions within the workforce development area’s Workforce Investment Opportunities Act plan.

2. Describe how funds received by the eligible agency through the allotment made under section 111 of the Act will be distributed—
 - a. among career and technical education at the secondary level, or career and technical education at the postsecondary and adult level, or both, including how such distribution will most effectively provide students with the skills needed to succeed in the workplace; and

Texas allocates Perkins Basic Grant funds between secondary and postsecondary programs under a funding split that is based on contact hours. The Texas State Board of Education approved the Texas State Plan for Career and Technical Education, with a funding split of 70% for secondary programs and 30% for postsecondary programs. Texas uses Title I, Part B funds as follows: at least 85% will be distributed by formula allocation to LEAs and community and technical colleges through the standard application system (SAS); 10% will fund state programs and state leadership projects, and no more than 5% will fund administration of the state plan. 15% of the distributed formula allocation will be set aside for Perkins Reserve Grants.

Texas distributes funds supporting state programs and leadership projects through the request for application (RFA) process. Texas awards funds through the SAS to the Texas Juvenile Justice Department and the Windham School District, which operate CTE programs in correctional institutions. In 2018-2019, the Texas School for the Deaf was funded from the one percent set aside for institutions.

The THECB requires each eligible recipient to submit a local plan and an evaluation plan to receive Perkins Basic Grant funds.

- b. among any consortia that may be formed among secondary schools and eligible institutions, and how funds will be distributed among the members of the consortia, including the rationale for such distribution and how it will most effectively provide students with the skills needed to succeed in the workplace. (Section 122(d)(8) of Perkins V)

The required elements for local Perkins plans related to consortia (called Shared Service Agreements in Texas) are integrated into the Perkins eGrant application, enabling consortia to file their local plans and request Perkins funds through one electronic submission. Fiscal agents apply to the agency for security clearance to submit a consortium application, and are provided a user name, password, and electronic signature. Districts must also submit information regarding their decision to participate in a specific consortium. TEA Grants Administration Division staff review the consortium applications and, as needed, request additional information or clarification from the fiscal agent using text fields where TEA staff may include negotiation notes or comments about the consortium application and plan. When TEA staff members are satisfied with the information the fiscal agent has submitted, they approve the application. The Commissioner of Education must provide final approval of the application, and his electronic signature appears on the notice of grant award (NOGA) that is available electronically to the district. The Perkins eGrant application/plan provides more guidance to districts for meeting the Perkins V requirements and focusing on continuous program improvement. Information about the application and supporting documentation is available at <http://burlleson.tea.state.tx.us/GrantOpportunities/forms/GrantProgramSearch.aspx>.

Districts that are eligible for a federal Perkins allocation of less than \$15,000 are not eligible for direct receipt of Perkins funds, so they must participate in a consortium of districts with a total combined consortium allocation of \$15,000 or greater. The consortium determines a fiscal agent, usually an ESC or a district that is a member of the consortium. The members of the consortium jointly determine the method for deciding consortium activities and funding priorities. For Perkins funding purposes, each consortium is treated like a single school district. The formula for determining a consortium's Perkins allocation is identical to the formula applied to other school

districts that are eligible for Perkins funds. Members of a consortium reach agreement upon the mutually-beneficial programs and purposes that Perkins funds will support and describe the purposes and programs in the formula grant application. TEA only approves the grant application after the allocation of Perkins resources to meet the mutually-beneficial purposes and serve the needs of consortium members is agreed upon.

3. For the upcoming program year, provide the specific dollar allocations made available by the eligible agency for career and technical education programs and programs of study under section 131(a)-(e) of the Act and describe how these allocations are distributed to local educational agencies, areas career and technical education schools and educational service agencies within the State. (Section 131(g) of Perkins V)

Texas allocates Perkins Basic Grant funds between secondary and postsecondary programs under a funding split that is based on contact hours. On November 16, 2007, the SBOE approved the Texas State Plan for Career and Technical Education, 2008-2013 with a funding split of 70% for secondary programs and 30% for postsecondary programs. Texas uses Title I, Part B funds as follows: at least 85% will be distributed by formula allocation to LEAs and community and technical colleges through the standard application system (SAS); 10% will fund state programs and state leadership projects, and no more than 5% will fund administration of the state plan. The formula amount for secondary and postsecondary for 2019-2020 will be \$80,195,697.15 with the Perkins Reserve amount of 15% at \$12,029,354.57.

The THECB requires each eligible recipient to submit a local plan and an evaluation plan to receive Perkins Basic Grant funds.

4. For the upcoming program year, provide the specific dollar allocations made available by the eligible agency for career and technical education programs and programs of study under section 132(a) of the Act and describe how these allocations are distributed to eligible institutions and consortia of eligible institutions within the State.

Districts that are eligible for a federal Perkins allocation of less than \$15,000 are not eligible for direct receipt of Perkins funds, so they must participate in a consortium of districts with a total combined consortium allocation of \$15,000 or greater. The consortium determines a fiscal agent, usually an ESC or a district that is a member of the consortium. The members of the consortium jointly determine the method for deciding consortium activities and funding priorities. For Perkins funding purposes, each consortium is treated like a single school district. The formula for determining a consortium's Perkins allocation is identical to the formula applied to other school districts that are eligible for Perkins funds. Members of a consortium reach agreement upon the mutually beneficial programs and purposes that Perkins funds will support and describe the purposes and programs in the

formula grant application. TEA only approves the grant application after the allocation of Perkins resources to meet the mutually beneficial purposes and serve the needs of consortium members is agreed upon.

5. Describe how the eligible agency will adjust the data used to make the allocations to reflect any changes in school district boundaries that may have occurred since the population and/or enrollment data was collected, and include local education agencies without geographical boundaries, such as charter schools and secondary schools funded by the Bureau of Indian Education. (Section 131(a)(3) of Perkins V)
Each year, Texas adjusts district allocations to reflect the changes that occurred in district enrollment due to charter schools opening or closing in the district's geographical boundaries.
6. If the eligible agency will submit an application for a waiver to the secondary allocation formula described in section 131(a)—
 - a. include a proposal for such an alternative formula; and
 - b. describe how the waiver demonstrates that a proposed alternative formula more effectively targets funds based on poverty (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) to local educational agencies with the State. (Section 131(b) of Perkins V)

Also indicate if this is a waiver request for which you received approval under the prior Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV).

No alternative formula is proposed for secondary or postsecondary allocations at the time of the transition plan submission.

7. If the eligible agency will submit an application for a waiver to the postsecondary allocation formula described in section 132(a)—
 - a. include a proposal for such an alternative formula; and
 - b. describe how the formula does not result in a distribution of funds to the eligible institutions or consortia with the State that have the highest numbers of economically disadvantaged individuals and that an alternative formula will result in such a distribution. (Section 132(b) of Perkins V)

Also indicate if this is a waiver request for which you received approval under the prior Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV).

No alternative formula is proposed for secondary or postsecondary allocations at the time of the transition plan submission.

8. If the eligible agency will award reserve funds to eligible recipients under section 112(c) of Perkins V, describe the process and criteria for awarding those funds.

The Texas Education Agency will distribute grant funds to eligible LEAs through an application process. Awarded funds must be used as described in the Carl D. Perkins Career and Technical Education Act of 2006, Public Law (P.L.) 109-270, Title I, Part C, Section 135 (local uses of funds). Eligible recipients must meet at least one of the criteria below:

- Local career and technical education (CTE) programs in rural areas.
- CTE programs with high numbers of CTE concentrators or participants. An LEA with 200 or more CTE concentrators (students who earn three or more credits within a program or program of study/code 2 in PEIMS) in Grades 9–12 is considered an LEA with high numbers of CTE students.
- CTE programs with high percentages of CTE concentrators or participants. An LEA with 25 percent or more of the total student population in Grades 9–12 who are CTE concentrators (code 2) is considered a high percentage LEA.
- CTE programs in areas with disparities or gaps in performance as described in the Strengthening Career and Technical Education Act of 2018, Section 113 (b)(3)(C)(ii)(II).

Purpose of Program

Texas faces a significant challenge in helping students become career and college ready in ways that address both current and future workforce needs. Helping students to enter community colleges and universities and supporting them through the completion of certificates and degrees will help support social and economic mobility for all Texans. Partnerships with institutions of higher education can be used to provide opportunities for students to acquire dual credit, industry-based certifications, and degrees in high-wage and in-demand occupations in regional industry sectors. In addition to partnerships with technical colleges, community colleges and/or universities, LEAs should also work with industry and local stakeholders to assess local workforce needs and coordinate with these partners to promote postsecondary success. LEAs can make a greater effort to establish public/private partnerships, and increase the opportunities for paid internships, apprenticeships, and mentorships, especially focusing on jobs in information technology, manufacturing, health care, construction, transportation distribution and logistics, and other high-wage and in-demand fields (from *Prosperity Requires Being Bold: Integrating Education and the Workforce for a Bright Texas Future: The Tri-Agency Report to the Office of the Governor from the Texas Education Agency, Texas Higher Education Coordinating Board, and the Texas Workforce Commission*).

The grants will be awarded in two focus areas:

Texas Regional Pathways Network (Focus Area 1)

The purpose of Texas Regional Pathways Network (Focus Area 1) is to assist regions with providing high quality college and career pathways that are aligned with regional workforce needs. Grants will be awarded to create at least one regionally aligned pathway in each of the LEAs applying within the grant. The grant will support the implementation of the Texas Regional Pathways Network key components:

1. Alignment with high-wage, in-demand labor market information (greater than \$35,339 annual salary and greater than 17% annual growth for the state)
2. Links between secondary and postsecondary with multiple entry and exit points
3. Credentials and degrees with value in the labor market

4. Integration of rigorous academics and career-focused learning
5. Strong college and career advising and counseling supports
6. Continuum of work-based learning experiences
7. 7. Cross-sector partnerships

Industry-Based Certifications and Testing Site/Licensed Instructor (Focus Area 2)

The purpose of Industry-Based Certifications and Testing Site/Licensed Instructor (Focus Area 2) is to ensure students have the opportunity to obtain industry-based certifications. This grant will provide funds to pay for students to obtain industry-based certifications, as well as to train CTE teachers as licensed instructors in specific industry certifications and/or become a testing site. These newly trained teachers will be able to administer industry-based certification exams to students at the end of CTE courses and/or programs of study.

9. Provide the State’s fiscal effort per student, or aggregate expenditures for the State, that will establish the baseline for the Secretary’s annual determination on whether the State has maintained its fiscal effort and indicate whether the baseline is a continuing level or new level. If the baseline is new, please provide the fiscal effort per student, or aggregate expenditures for the State, for the preceding fiscal year. (Section 211(b)(1)(D) of Perkins V)

The state-level maintenance of effort (MOE) for Perkins federal funding is listed below. Data sources used are the TEA Statewide Summary of Finance Report (FSP), and aggregate expenditure data and student counts provided by the Texas Higher Education Coordinating Board (THECB). The calculation is made annually in mid-February when THECB makes their data available to TEA. Therefore, FFCR will make the FY 2018 determination next month (February 2019) when we receive data from THECB. See chart below for prior year data:

Perkins MOE Determination Calculation *	Aggregate	Per Capita
FY 2015	\$2,481,897,225	\$1,598
FY 2016	\$2,674,508,268	\$1,658
FY 2017	\$2,764,513,900	\$1,665
FY 2018	Available mid-Feb. 2019	Available mid-Feb. 2019

* Funds made available based on TEA and THECB data. Note: Calculation conducted in the subsequent year, e.g. FY 2018 determination calculated in February 2019.

Texas plans to utilize the MOE reset of 5% for the 2019-2020 fiscal year and will make this recalculation accordingly.

D. Accountability for Results

N/A (Transition Year- This section is not required)

1. Identify and include at least one (1) of the following indicators of career and technical education program quality—
 - a. the percentage of CTE concentrators (see Text Box 2 on the following page) graduating from high school having attained a recognized postsecondary credential;
 - b. the percentage of CTE concentrators graduating high school having attained postsecondary credits in relevant career and technical education programs and programs of study earned through a dual or concurrent enrollment program or another credit transfer agreement; and/or
 - c. the percentage of CTE concentrators graduating from high school having participated in work-based learning. (Section 113(b)(2)(A)(iv)(I) of Perkins V)

Include any other measure of student success in career and technical education that is statewide, valid, and reliable, and comparable across the State. (Section 113(b)(2)(A)(iv)(II) of Perkins IV)

Provide the eligible agency's measurement definition with a numerator and denominator for each of the quality indicator(s) the eligible agency selects to use.

2. Provide on the form in Section V.B, for each year covered by the State plan beginning in FY 2020, State determined levels of performance for each of the secondary and postsecondary core indicators, with the levels of performance being the same for all CTE concentrators in the State. (Section 113(b)(3)(A)(i)(I) of Perkins V)
3. Provide a written response to the comments provided during the public comment period described in section 113(b)(3)(B) of the Act. (Section 113(b)(3)(B)(iii) of Perkins V)

Text Box 2: Definition of CTE Concentrator

The term ‘CTE concentrator’ means—

- (A) at the secondary school level, a student served by an eligible recipient who has completed at least 2 courses* in a single career and technical education program or program of study; and
- (B) at the postsecondary level, a student enrolled in an eligible recipient who has—
 - (i) earned at least 12 credits within a career and technical education program or program of study; or
 - (ii) completed such a program if the program encompasses fewer than 12 credits or the equivalent in total. (Section 3(12) of Perkins V)

* This means that once a student completes 2 courses in a single CTE program or program of study, he or she is counted as a CTE concentrator.

(Section 3(12) of Perkins V)

4. Describe the procedure the eligible agency adopted for determining State determined levels of performance described in section 113 of the Act, which at a minimum shall include—
 - a. a description of the process for public comment under section 113(b)(3)(B) of Perkins V as part of the development of the State determined levels of performance under that section as provided in the text box on the following page;
 - b. an explanation for the State determined levels of performance; and
 - c. a description of how the state determined levels of performance set by the eligible agency align with the levels, goals and objectives other Federal and State laws, (Section 122(d)(10) of Perkins V); and
 - d. As part of the procedures for determining State determined levels of performance, describe the process that will be used to establish a baseline for those levels.
5. Describe how the eligible agency will address disparities or gaps in performance as described in section 113(b)(3)(C)(ii)(II) of Perkins V in each of the plan years, and if no meaningful progress has been achieved prior to the third program year, a description of the additional actions the eligible agency will take to eliminate these disparities or gaps. (Section 122(d) (11) of Perkins V)

Text Box 3:

(B) PUBLIC COMMENT.—

- (i) **IN GENERAL.**—Each eligible agency shall develop the levels of performance under subparagraph (A) in consultation with the stakeholders identified in section 122(c)(1)(A).
- (ii) **WRITTEN COMMENTS.**—Not less than 60 days prior to submission of the State plan, the eligible agency shall provide such stakeholders with the opportunity to provide written comments to the eligible agency, which shall be included in the State plan, regarding how the levels of performance described under subparagraph (A)—
 - (I) meet the requirements of the law;
 - (II) support the improvement of performance of all CTE concentrators, including subgroups of students, as described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965, and special populations, as described in section 3(48); and
 - (III) support the needs of the local education and business community.
- (iii) **ELIGIBLE AGENCY RESPONSE.**—Each eligible agency shall provide, in the State plan, a written response to the comments provided by stakeholders under clause (ii).

(Section 113(b)(3)(B) of Perkins V)

III. ASSURANCES, CERTIFICATIONS, AND OTHER FORMS

A. Statutory Assurances

The eligible agency assures that:

1. It made the State plan publicly available for public comment¹ for a period of not less than 30 days, by electronic means and in an easily accessible format, prior to submission to the Secretary for approval and such public comments were considered in the development of this State plan. (Section 122(a)(4) of Perkins V)
2. It will use the funds to promote preparation for high-skill, high-wage, or in-demand industry sectors or occupations and non-traditional fields, as identified by the State. (Section 122(d)(13)(C) of Perkins V)
3. It will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance, including technical assistance on how to close gaps in student participation and performance in career and technical education programs. (section 122(d)(13)(E) of Perkins V)
4. It will comply with the requirements of this Act and the provisions of the State plan, including the provision of a financial audit of funds received under this Act, which may be included as part of an audit of other Federal or State programs. (Section 122(d)(13)(A) of Perkins V)
5. None of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the acquiring entity or the employees of the acquiring entity, or any affiliate of such an organization. (Section 122(d)(13)(B) of Perkins V)
6. It will use the funds provided under this Act to implement career and technical education programs and programs of study for individuals in State correctional institutions, including juvenile justice facilities. (Section 122 (d)(13)(D) of Perkins V)

¹ An eligible agency that submits a 1-Year Transition Plan in FY 2019 is not required to hold a public comment period on the 1-Year Transition Plan. Such agency must assure that it meets this public comment requirement prior to submitting its Perkins V State Plan in FY 2020.

B. EDGAR Certifications

- By submitting a Perkins V State Plan, consistent with 34 CFR 76.104, the eligible agency certifies that:
1. It is eligible to submit the Perkins State plan.
 2. It has authority under State law to perform the functions of the State under the Perkins program(s).
 3. It legally may carry out each provision of the plan.
 4. All provisions of the plan are consistent with State law.
 5. A State officer, specified by title in Item C on the Cover Page, has authority under State law to receive, hold, and disburse Federal funds made available under the plan.
 6. The State officer who submits the plan, specified by title in Item C on the Cover Page, has authority to submit the plan.
 7. The entity has adopted or otherwise formally approved the plan.
 8. The plan is the basis for State operation and administration of the Perkins program.

C. Other Forms

- The eligible agency certifies and assures compliance with the following enclosed forms:
1. Assurances for Non-Construction Programs (SF 424B) Form (OMB Control No. 0348-0040) - <https://www2.ed.gov/fund/grant/apply/appforms/sf424b.pdf>
 2. Disclosure of Lobbying Activities (SF LLL) (OMB Control No. 4040-0013): https://apply07.grants.gov/apply/forms/sample/SFLLL_1_2-V1.2.pdf
 3. Certification Regarding Lobbying (ED 80-0013 Form): <https://www2.ed.gov/fund/grant/apply/appforms/ed80-013.pdf>
 4. General Education Provisions Act (GEPA) 427 Form (OMB Control No. 1894-0005): <https://www2.ed.gov/fund/grant/apply/appforms/gepa427.pdf>

IV. BUDGET

A. Instructions

1. On the form in Item IV.B below, provide a budget for the upcoming fiscal year. As you prepare your budget, refer to the statutory descriptions and assurances in Section II.C and Section III.A, respectively, of this guide.

2. In completing the budget form, provide--

Line 1: The total amount of funds allocated to the eligible agency under section 112(a) of Perkins V. *This amount should correspond to the amount of funds noted in the Department's program memorandum with estimated State allocations for the fiscal year.*

Line 2: The amount of funds made available to carry out the administration of the State plan under section 112(a)(3). *The percent should equal not more than 5 percent of the funds allocated to the eligible agency as noted on Line 1, or \$250,000, whichever is greater.*

Line 3: The amount of funds made available to carry out State leadership activities under section 112(a)(2) of Perkins V. *The percent should equal not more than 10 percent of the funds allocated to the eligible agency as noted on Line 1.*

Line 4: The percent and amount of funds made available to serve individuals in State institutions, such as: (a) correctional institutions; (b) juvenile justice facilities; and (c) educational institutions that serve individuals with disabilities pursuant to section 112(a)(2)(A) of Perkins V. *The percent of funds should equal not more than 2 percent of the funds allocated to the eligible agency as noted on Line 1.*

Line 5: The amount of funds to be made available for services that prepare individuals for non-traditional fields pursuant to section 112(a)(2)(B) of Perkins V. *The amount of funds should be not less than \$60,000 and not more than \$150,000.*

Line 6: The amount of funds to be made available for the recruitment of special populations to enroll in career and technical education programs pursuant to section 112 (a)(2)(C) of Perkins V. *The percent of funds should equal 0.1 percent of the funds allocated to the eligible agency, or \$50,000, whichever is lesser.*

Line 7: The percent and amount of funds to be made available to eligible recipients [local education agencies (secondary recipients) and institutions of higher education (postsecondary recipients)] pursuant to section 112(a)(1) of Perkins V. *The percent of funds should be not less than 85 percent of the funds allocated to the eligible agency as noted on Line 1.*

- Line 8: The percent and amount, if any, of funds to be reserved and made available to eligible recipients under section 112(c) of Perkins V. *The percent of funds should be not more than 15 percent of the 85 percent of funds noted on Line 7.*
- Line 9: The percent and amount, if any, of funds to be reserved and made available to secondary recipients under section 112(c) of Perkins V.
- Line 10: The percentage and amount, if any, of funds to be reserved and made available to postsecondary recipients under section 112(c) of Perkins V.
- Line 11: The percent and amount of funds to be made available to eligible recipients under section 112(a)(1) of Perkins V. *The percent and amount of funds should represent the funds remaining after subtracting any reserve as noted on Line 8.*
- Line 12: The percent and amount of funds to be distributed to secondary recipients under the allocation formula described in section 131 of Perkins V.
- Line 13: The percent and amount of funds to be distributed to postsecondary recipients under the allocation formula described in section 132 of Perkins V.
- Line 14: The amount of funds to be made available for the State administration match requirement under section 112(b) of Perkins. *The amount of funds shall be provided from non-Federal sources and on a dollar-for-dollar basis.*

B: Budget Form

State Name: Texas

Fiscal Year (FY): 2020

Line Number	Budget Item	Percent of Funds	Amount of Funds
1	Total Perkins V Allocation	Not applicable	\$ 94,347,879
2	State Administration	5%	\$ 4,717,393.95
3	State Leadership	10%	\$ 9,434,787.90
4	• Individuals in State Institutions	1%	\$ 943,478.79
4a	– Correctional Institutions	Not required	\$
4b	– Juvenile Justice Facilities	Not required	\$
4c	– Institutions that Serve Individuals with Disabilities	Not required	\$
5	• Nontraditional Training and Employment	Not applicable	\$
6	• Special Populations Recruitment	%	\$
7	Local Formula Distribution	85%	\$ 80,195,697.15
8	• Reserve	15%	\$ 12,029,354.57
9	– Secondary Recipients	70%	\$ 8,420,548.20
10	– Postsecondary Recipients	30%	\$ 3,608,806.37
11	• Allocation to Eligible Recipients	85%	\$ 68,166,342.58
12	– Secondary Recipients	70%	\$ 47,716,439.80
13	– Postsecondary Recipients	30%	\$ 20,449,902.77
14	State Match (<i>from non-federal funds</i>)	Not applicable	\$

V. STATE DETERMINED PERFORMANCE LEVELS (SDPL)

A. Instructions

1. On the form in Item V.B below, provide State determined performance levels (SDPLs), covering FY 2020-23, for each of the secondary and postsecondary core indicators of performance for all CTE concentrators in the State described in section 113(b) of Perkins V. See Table 7 below. In preparing your SDPLs, refer to your narrative descriptions in Section II.D of this guide.
2. In completing the SDPL form, provide—

Column 2: Baseline level
Columns 3-6: State determined levels of performance for each year covered by the State plan, beginning for FY 2020, expressed in percentage or numeric form and that meets the requirements of section 113(b)(3)(A)(III) of Perkins V as provided in the text box on the following page.
3. Revise, as applicable, the State determined levels of performance for any of the core indicators of performance—
 - i. Prior to the third program year covered by the state plan for the subsequent program years covered by the State plan pursuant to section 113(b)(3)(A)(ii).
 - ii. Should unanticipated circumstances arise in a State or changes occur related to improvement in data or measurement approaches pursuant to section 113(b)(3)(A)(iii).
 - iii. An eligible agency shall not be eligible to adjust performance levels while executing an improvement plan under this section pursuant to section 123(a)(5).

Text Box 4: State Determined Performance Levels (SDPLs)

- (III) REQUIREMENTS.—Such State determined levels of performance shall, at a minimum—
- (aa) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable;
 - (bb) require the State to continually make meaningful progress toward improving the performance of all career and technical education students, including the subgroups of students described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965, and special populations, as described in section 3(48); and
 - (cc) have been subject to the public comment process described in subparagraph (B), and the eligible agency has provided a written response;
 - (dd) when being adjusted pursuant to clause (ii), take into account how the levels of performance involved compare with the State levels of performance established for other States, considering factors including the characteristics of actual (as opposed to anticipated) CTE concentrators when the CTE concentrators entered the program, and the services or instruction to be provided;
 - (ee) when being adjusted pursuant to clause (ii), be higher than the average actual performance of the 2 most recently completed program years, except in the case of unanticipated circumstances that require revisions in accordance with clause (iii); and
 - (ff) take into account the extent to which the State determined levels of performance advance the eligible agency's goals, as set forth in the State plan.

(Section 113(b)(3)(A)(III) of Perkins V)



Table 7: Section 113(b) Core Indicators of Performance

Indicator Descriptions	Indicator Codes	Indicator Names
Secondary Level		
The percentage of CTE concentrators who graduate high school, as measured by the four-year adjusted cohort graduation rate (defined in section 8101 of the Elementary and Secondary Education Act of 1965).	1S1	Four-Year Graduation Rate
(At the State’s discretion) The percentage of CTE concentrators who graduate high school, as measured by extended-year adjusted cohort graduation rate defined in such section 8101.	1S2	Extended Graduation Rate
CTE concentrator proficiency in the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, as measured by the academic assessments in reading/language arts as described in section 1111(b)(2) of such Act.	2S1	Academic Proficiency in Reading/Language Arts
CTE concentrator proficiency in the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, as measured by the academic assessments in mathematics as described in section 1111(b)(2) of such Act.	2S2	Academic Proficiency in Mathematics
CTE concentrator proficiency in the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, as measured by the academic assessments in science as described in section 1111(b)(2) of such Act.	2S3	Academic Proficiency in Science
The percentage of CTE concentrators who, in the second quarter after exiting from secondary education, are in postsecondary education or advanced training, military service or a service program that receives assistance under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), are volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), or are employed.	3S1	Postsecondary Placement

Indicator Descriptions	Indicator Codes	Indicator Names
Secondary Level (continued)		
The percentage of CTE concentrators in career and technical education programs and programs of study that lead to non-traditional fields.	4S1	Non-traditional Program Enrollment
<i>The eligible agency must include at least one program quality indicator—5S1, 5S2, or 5S3—and may include any other quality measure that is statewide, valid, reliable, and comparable across the State, 5S4.</i>		
The percentage of CTE concentrators graduating from high school having attained a recognized postsecondary credential.	5S1	Program Quality – Attained Recognized Postsecondary Credential
The percentage of CTE concentrators graduating from high school having attained postsecondary credits in the relevant career and technical education program or program of study earned through a dual or concurrent enrollment or another credit transfer agreement	5S2	Program Quality – Attained Postsecondary Credits
The percentage of CTE concentrators graduating from high school having participated in work-based learning.	5S3	Program Quality – Participated in Work-Based Learning
The percentage of CTE concentrators achieving on any other measure of student success in career and technical education that is statewide, valid, and reliable, and comparable across the State. Please identify.	5S4	Program Quality – Other

Indicator Descriptions	Indicator Codes	Indicator Names
Postsecondary Level		
The percentage of CTE concentrators who, during the second quarter after program completion, remain enrolled in postsecondary education, are in advanced training, military service, or a service program that receives assistance under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), are volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), or are placed or retained in employment.	1P1	Postsecondary Retention and Placement
The percentage of CTE concentrators who receive a recognized postsecondary credential during participation in or within 1 year of program completion. *	2P1	Earned Recognized Postsecondary Credential
The percentage of CTE concentrators in career and technical education programs and programs of study that lead to non-traditional fields.	3P1	Non-traditional Program Enrollment

* This means that a student gets counted under this indicator whether the student obtains the credential during participation or within 1 year of completion. The Department interprets “within 1 year of completion” to have the plain meaning of those words: that the student would be counted if the student obtains the credential in the 1 year following that student’s completion of the program.

B: State Determined Performance Levels (SDPL) Form

State Name: _____

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Indicators	Baseline Level	Performance Levels			
		FY 2020	FY 2021	FY 2022	FY 2023
Secondary Indicators					
1S1: Four-Year Graduation Rate					
1S2: Extended Graduation Rate					
2S1: Academic Proficiency in Reading Language Arts					
2S2: Academic Proficiency in Mathematics					
2S3: Academic Proficiency in Science					
3S1: Postsecondary Placement					
4S1: Non-traditional Program Enrollment					
5S1: Program Quality – Attained Recognized Postsecondary Credential					
5S2: Program Quality – Attained Postsecondary Credits					
5S3: Program Quality – Participated in Work-Based Learning					
5S4: Program Quality – Other					

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Indicators	Baseline Level	Performance Levels			
		FY 2020	FY 2021	FY 2022	FY 2023
Postsecondary Indicators					
1P1: Postsecondary Retention and Placement					
2P1: Earned Recognized Postsecondary Credential					
3P1: Nontraditional Program Enrollment					

Provide any additional information regarding SDPLs, as necessary:

Appendix A

COURSES



LEVEL 1

Principles of Manufacturing Occupational Safety and Environmental Technology
Introduction to Computer Aided Design and Drafting
Robotics I

LEVEL 2

Occupational Safety and Environmental Technology II
Blueprint Reading for Manufacturing Applications
Robotics II

LEVEL 3

Manufacturing Engineering Technology I
Diversified Manufacturing I

LEVEL 4

Manufacturing Engineering Technology II
Diversified Manufacturing II

POSTSECONDARY OPTIONS

HIGH SCHOOL/INDUSTRY CERTIFICATION	CERTIFICATE/LICENSE*	ASSOCIATE DEGREE	BACHELOR DEGREE	MASTER/DOCTORAL PROFESSIONAL DEGREE
National Incident Management Certification, Level 1	Engineer, Professional	Electro-mechanical Engineering/Technology	Electrical Engineering	
Certified SolidWorks Associate - Academic	PMMI Mechatronics: Programmable Logic Controllers 1	Robotics Technology/Technician	Engineering, General	
AWS SENSE, D1.1 and D9.1 Certification	Certified Quality Technician	Instrumentation Technology/Technician	Industrial Engineering	
NCCER, Welding Level 1	Plant Maintenance Technologist	Industrial Mechanics and Maintenance Technology	Mechanical Engineering	

*Includes Level I and II Certificates

For more information on postsecondary options for this program of study, visit TXCTE.org.

OCCUPATIONS	MEDIAN WAGE	ANNUAL OPENINGS	% GROWTH
Electro-Mechanical Assemblers	\$30,160	951	9%
Electro-Mechanical Technicians	\$56,555	127	9%
Industrial Machinery Mechanics	\$49,816	3,788	27%

WORK BASED LEARNING AND EXPANDED LEARNING OPPORTUNITIES

Awareness Courses:
Investigating Careers
College and Career Ready

Career Prep Activities:
Apprenticeship at a local business or industry
American Welding Society Participate

Exploration Activities:
in SkillsUSA
and local STEM events

The Advanced Manufacturing and Machinery Mechanics program of study focuses on the assembly, operation, maintenance, and repair of electromechanical equipment or devices. Students may work in a variety of mechanical fields, gaining knowledge and experience in robotics, refinery and pipeline systems, deep ocean exploration, or hazardous waste removal. CTE concentrators may work in a variety of fields of engineering.



The Manufacturing Career Cluster® focuses on planning, managing, and performing the processing of materials into intermediate or final products and related professional and technical support activities such as production planning and control, maintenance, and manufacturing/process engineering.

Successful completion of the Advanced Manufacturing and Machinery Mechanics program of study will fulfill requirements of the Business and Industry Endorsement.



COURSE INFORMATION

COURSE NAME	SERVICE ID	PREREQUISITES (PREQ) COREQUISITES (CREQ) RECOMMENDED REQUISITES (RPREQ or RCREQ)	GRADE
Principles of Manufacturing	13032200	RPREQ: Algebra I and Geometry	9-12
Occupational Safety and Environmental Technology	N1303680	RPREQ: Principles of Transportation Systems, Principles of Distribution and Logistics, or Principles of Manufacturing	9-12
Introduction to Computer Aided Design and Drafting	N1303769	PREQ: Architectural Design	10-12
Robotics I	13037000	RPREQ: Principles of Applied Engineering	9-10
Occupational Safety and Environmental Technology II	N1303681	RPREQ: Occupational Safety and Environmental Technology I	9-12
Blueprint Reading for Manufacturing Applications	N1303684	RPREQ: Algebra I, Geometry, and Principles of Construction	10-12
Robotics II	13037050	PREQ: Robotics I	10-12
Manufacturing Engineering Technology I	13032900	RPREQ: Algebra I	10-12
Diversified Manufacturing I	13032650	RPREQ: Algebra I	10-12
Practicum in Manufacturing	13033000	None	12
Manufacturing Engineering Technology II	13032950	PREQ: Manufacturing Engineering Technology I RPREQ: Algebra II, Computer Science, or Physics	11-12
Diversified Manufacturing II	13032660	PREQ: Diversified Manufacturing I RPREQ: Algebra I	11-12

Appendix B



Benchmark 1: School Design

The P-TECH/ICIA program must offer open enrollment and flexible scheduling structures that enable students to combine high school, postsecondary courses and work-based learning, at no cost to participating students.

Design Elements

All P-TECH/ICIAs must implement and meet the following requirements:

1. The P-TECH/ICIA location shall be:
 - a. In a high school, or
 - i. as a standalone high school campus or
 - ii. in a smaller learning community within a larger high school
 - b. At a central location, such as a CTE Center where students are enrolled at their home campus, or
 - c. On a college or university campus
2. P-TECH/ICIA staff shall include:
 - a. A building level leader who has scheduling, hiring, and budget decisions
 - b. Industry/Business partner liaison with decision making authority who interacts directly and frequently (in person or virtually) with P-TECH/ICIA leader
 - c. An Institute of Higher Education (IHE) liaison with decision making authority and interacts directly and frequently (in person or virtually) with P-TECH/ICIA leader
 - d. Highly qualified P-TECH/ICIA teachers who work directly with the students, which may include adjunct high school faculty capable of teaching college-level courses
 - e. Counseling staff who support P-TECH/ICIA students, including activities such as: coordinating with Institutions of Higher Education (IHE) for registration, monitoring of students' high school and college transcripts, and monitoring high school and college courses to ensure all requirements are met
3. The P-TECH/ICIA shall establish a leadership team that includes high-level personnel from the school district, campus, industry/business partners, and IHE with decision-making authority who meet regularly and report to each organization. Regularly scheduled meetings must address the following topics:
 - a. Identification of members and the role each member will play in the design, governance, operations, accountability, curriculum development, professional development, outreach, sustainability, and continuous monitoring and improvement of the P-TECH/ICIA
 - b. Share responsibility (between the school district, campus, industry/business partners, and IHE) for meeting annual outcomes-based measures and providing annual reports to their respective boards as well as to the public
 - c. Monitoring of progress on meeting the Blueprint, including reviewing data to ensure the P-TECH/ICIA is on-track to meet outcomes-based measures
 - d. Mid-course corrections as needed
 - e. Sustainability structures to address and minimize the challenges of staff turnover and potential fluctuations in funding
4. The leadership team shall include and meet regularly (in person and/or virtually) with the leaders from the school district, campus, business/industry, chambers of commerce, non-profit foundations, and IHE who have decision-making authority:



Benchmark 1: School Design

The P-TECH/ICIA program must offer open enrollment and flexible scheduling structures that enable students to combine high school, postsecondary courses and work-based learning, at no cost to participating students.

Design Elements

District leaders (may include):

- a. Superintendent
- b. Assistant superintendent of curriculum and instruction, or equivalent position
- c. P-TECH/ICIA principal or director
- d. CTE Director (if applicable to the P-TECH/ICIA model)
- e. Department chairs
- f. School counselors

Business/Industry Partner (may include):

- a. CEO/President
- b. Education/Community Outreach Specialist/Community Organizations such as a Chamber of Commerce and Non-Profit Foundations

IHE leaders (may include):

- a. College or university president
 - b. Provost
 - c. Department chairs for core academic disciplines
 - d. P-TECH/ICIA liaison
5. Implement an annual professional development plan for teachers and staff, focused on research-based instructional strategies that focus on rigor, build college- and career-readiness, are based on needs assessment of student data, and includes both high school and dual credit teachers. Professional development may include, but is not limited to:
 - a. A mentoring and induction program for newly hired staff, providing them with the instructional and interpersonal skills and capacities needed for success in an advanced academic setting
 - b. An externship program to expose teachers, counselors, and/or administrators to content in careers in the pathways identified by the P-TECH/ICIA
 - c. Opportunities for teachers to collaborate, plan and engage in relevant professional development
 6. Provide opportunities for P-TECH/ICIA teachers to receive extensive training and support through regularly scheduled formative peer observations and collaboration opportunities with feeder pattern focus groups, industry/business and/or IHE partners
 7. The P-TECH/ICIA program shall provide flexible, individualized scheduling that allows students the opportunity to earn a high school diploma, industry certifications, an associate degree, and engage in appropriate work-based learning at every grade level
 8. The P-TECH/ICIA students shall be cohorted into core classes to the extent possible; this does not exclude non-P-TECH/ICIA students from enrolling in the same class
 9. The P-TECH/ICIA program shall be offered at no cost to students

Required Activities and Products

Activities

- a. All products shall be published on the P-TECH/ICIA website and be made available to TEA upon request
- b. All products shall be maintained in accordance with local retention policy

Products

- a. Mentor/induction program plans
- b. Annual training or professional development plan with P-TECH/ICIA and IHE faculty
- c. P-TECH/ICIA leadership meeting agendas and notes



Benchmark 2: Target Population

The P-TECH/ICIA program shall serve, or include plans to scale up to serve, students in Grades 9 through 14, and shall target and enroll students who are at risk of dropping out of school as defined by the Public Education Information Management System (PEIMS) and who might not otherwise go to college.

Design Elements

All P-TECH/ICIAs must implement and meet the following requirements:

1. The P-TECH/ICIA shall be open enrollment for all students. Recruitment and enrollment processes shall identify, recruit, and enroll subpopulations of at-risk students (as defined by PEIMS), including, but not limited to, students who are of limited English proficiency, students with disabilities, or students who have failed a state administered assessment. Enrollment decisions shall not be based on state assessment scores, discipline history, teacher recommendation, parent or student essays, minimum grade point average (GPA), or other criteria that create barriers for student enrollment
2. The P-TECH/ICIA shall identify, recruit, and enroll subpopulations (in addition to those who are at risk as defined by PEIMS) that are historically underrepresented in college courses (e.g., first generation college goers, students of low socioeconomic status, African American, Hispanic, Native American)
3. The P-TECH/ICIA shall clearly document recruitment and enrollment policies and practices; refining and improving them annually based on data reviews
4. Recruitment and enrollment processes (including marketing and recruitment plans, materials, and timelines) shall be transparent in program requirements, and include input from key stakeholders (e.g., parents and community members; postsecondary partners); target student populations as described in 1 and 2 above; and include regular activities to educate students, counselors, principals, parents, and school board and community members
5. If the P-TECH/ICIA has more applicants than available space for admissions, they shall use either a performance-blind, open-access lottery system that encourages and considers applications from all students (all students have an equal opportunity for acceptance, regardless of background or academic performance) or a weighted lottery that favors students who are at risk or who are part of the targeted subpopulations for the P-TECH/ICIA

Required Activities and Products

Activities

- a. All products shall be published on the P-TECH/ICIA academy website and be made available to TEA upon request
- b. All products shall be maintained in accordance with local retention policy

Products

- a. Written admission policy and enrollment application
- b. Written recruitment plan including a timeline of recruitment and enrollment events, and recruitment materials for distribution at feeder schools and other appropriate locations in the community
- c. Brochures and marketing in Spanish, English, and/or other relevant language(s)
- d. Written communication plan for targeting identified audiences, parents, community members, school board, higher education personnel, etc.



Benchmark 3: Strategic Alliances

Strategic partnerships with business and industry partners and IHEs are formally articulated in writing and clearly define a variety of careers.

Design Elements

All P-TECH/ICIAs must implement and meet the following requirements based on the pathways to be offered to students i.e. pathways to an associate degree, postsecondary certificate provided by an IHE, or industry certification:

1. The P-TECH/ICIA shall develop, sign, and execute a memoranda of understanding (MOU) that clearly define the roles and responsibilities of a strong partnership with business and/or industry partners to provide (at a minimum):
 - a. A detailed plan for work-based learning experiences for students appropriate to each grade level, such as facility visits, guest speakers, presentations, career information, job shadowing, internships, externships, and apprenticeships
 - b. Clear roles and responsibilities for worksite supervisors, mentors, teachers, support personnel, and other partners
 - c. Career mentoring with industry/business partner
 - d. Support for students' activities, such as clubs, Career and Technical Student Organizations, competitions, and special initiatives
 - e. Each MOU must include an agreement that the regional industry or business partner will give to a student who receives work based training or education from the partner under the P-TECH/ICIA program priority in interviewing for any jobs for which the student is qualified that are available on the student's completion of the program
 - f. Course path and program monitoring
 - g. The MOU should state clearly the industry certifications that will be acquired and the standards/curriculum that will be followed to achieve stated certifications
 - h. Student access to business and industry partners and work-based learning facilities, services, and resources
 - i. Transportation costs and fees
2. The P-TECH/ICIA shall develop, sign, and execute an articulation agreement with an IHE that includes the following components (at a minimum):
 - a. Curriculum alignment
 - b. Instructional materials
 - c. Courses of study, which enables a student to combine high school courses and college-level courses to earn either an associate degree postsecondary certificate provided by an IHE, or industry certification
 - d. Student enrollment and attendance
 - e. Grading periods and policies
 - f. Administration of statewide assessments under TEC Subchapter B, Chapter 39
 - g. Policies for:
 - i. advising students on the transferability of all college credit offered and earned
 - ii. ensuring the IHE transcripts college credit earned through dual credit in the same semester that credit is earned



Benchmark 3: Strategic Alliances

Strategic partnerships with business and industry partners and IHEs are formally articulated in writing and clearly define a variety of careers.

Design Elements

- iii. advising students as to the transferability and applicability to baccalaureate degree plans for all college credit offered and earned (college credits earned during high school should allow students to progress from an associate degree to a bachelor's degree and beyond in their chosen field)
 - iv. students accessing to the IHE facilities, services and resources
 - h. Eligibility of students for waivers for tuition & fees
 - i. Data sharing agreement that includes provisions for:
 - i. Teacher data such as qualifications
 - ii. Student level data such as credit hours taken and earned; GPA, formative data to assess if student is on track for college readiness
 - j. Transportation costs and fees
 - i. Provisions for discontinuing operation while ensuring students previously enrolled will have opportunity to complete their course of study
3. Establish an Advisory Board who meets regularly and includes representatives from a variety of stakeholders such as; school board, community, economic development partners, relevant industry subject matter experts for program pathways, and IHE to provide support and guidance to the P-TECH/ICIA in resource acquisition, curriculum development, work-based learning and student/community outreach to ensure a successful academic and career pipeline

Required Activities and Products

Activities

- a. All products shall be published on the P-TECH/ICIA website and be made available to TEA upon request
- b. All products shall be maintained in accordance with local retention policy
- c. Annual review of industry/business MOU
- d. Annual review of IHE articulation agreement

Products

- a. Meeting agendas and minutes, with action items and decision logs
- b. Final, signed, and executed MOU with industry partner/business (Campuses must submit their final signed MOU to TEA when initially applying for designation or are provisionally designated)
- c. Final, signed, and executed articulation agreement with IHE (Campuses must submit their final signed MOU to TEA when initially applying for designation or are provisionally designated)
- d. A list of strategic partners with each member's organization, title and role in providing work-based learning for students by grade level



Benchmark 4: Curriculum, Instruction, and Assessment

The P-TECH/ICIA program shall provide a rigorous course of study that enables a participating student to receive a high school diploma, an associate degree, postsecondary certificate provided by an IHE, or industry certification during Grades 9-14.

Design Elements

All P-TECH/ICIAs must implement and meet the following requirements:

1. The P-TECH/ICIA shall work with the local workforce development board, local chamber of commerce, and local workforce industry representatives to identify, create and maintain a list of high-demand occupations and programs of study that lead to these occupations to be used as a resource in creating structured pathways for students and updated as local needs change
2. The P-TECH/ICIA shall establish one or more career pathways, that include industry relevant classes, and plans are underway for sequencing additional courses for students. These course pathways are informed by regional and state workforce and economic development needs and contribute to students earning an associate degree, postsecondary certificate provided by an IHE, or industry certification that prepares them for high-wage, high-demand, high-skill career fields
3. The P-TECH/ICIA shall provide a course of study that enables participating students the opportunity to complete high school graduation requirements, and either an associate degree, postsecondary certificate provided by an IHE, or industry certification on or before the sixth anniversary of the date of the student's first day of high school
 - a. A course of study must be in place detailing how students will progress toward the goal of aligning high school, college-level courses, and industry/business training. This course of study must provide pathways to an associate degree, postsecondary certificate provided by an IHE, or an industry certification. The campus may implement a variety of instructional delivery models
4. The P-TECH/ICIA shall provide an assessment for measuring student progress to ensure students are on track to meet the Outcomes-Based Measures
5. The P-TECH/ICIA shall biannually implement a structured data review process designed to identify student strengths and weaknesses and develop individual instructional support plans
 - a. The P-TECH/ICIA will establish annual assessment measures and provide an opportunity for the industry/business partners to provide feedback on the value of the P-TECH/ICIA program
5. The P-TECH/ICIA shall provide support for students taking courses preparing students to obtain industry certifications, licenses, etc.
6. The P-TECH/ICIA shall work with IHEs and business and industry partners to ensure curriculum alignment between high school, postsecondary and industry experience requirements

Required Activities and Products

Activities

- a. All products shall be published on the P-TECH/ICIA website and be made available to TEA upon request
- b. All products shall be maintained in accordance with local retention policy

Products

- a. Four-year crosswalk document
- b. Master Schedule
- c. Curriculum alignment documents
- d. Testing calendar and schedule for TSI, ACT, SAT or other assessments
- e. Documentation detailing a minimum of three course of study examples that outline student pathways from high school, to associate degrees, to work credentials and beyond



Benchmark 5: Work-Based Learning

The P-TECH/ICIA program must offer students a variety of relevant, high-skill work-based learning experiences at every grade level that respond to student interest and regional employer needs and contribute to students earning aligned industry certifications and credentials.

Design Elements

All P-TECH/ICIA must implement and meet the following requirements:

1. The P-TECH/ICIA shall collaborate with the local workforce development board, local chamber of commerce, and local workforce industry representatives to define local workforce needs
2. The P-TECH/ICIA shall have current, signed MOU with business/industry partners that are reviewed annually and clearly articulate the requirements outlined in this benchmark. The MOU must include in the agreement that the regional industry or business partner will give a student who receives work-based learning **first priority** in interviewing for any jobs for which the student is qualified that are available upon the student's completion of the program
3. The P-TECH/ICIA shall provide:
 - a. Age level appropriate work-based learning for students in the P-TECH/ICIA at every grade level that includes career awareness, career exploration, career preparation, and career experience
 - b. Policies and protocols to make work-based learning a viable method for helping students meet academic standards
 - c. Work based learning experiences that are well-planned and properly sequenced to provide a progression of learning experiences for students—each one building upon the last
 - d. Work based learning may include, but is not limited to: facility visits, guest speakers, presentations, career information, career fairs, informational interviewing, job shadowing, internships, mentoring, and apprenticeships
4. The P-TECH/ICIA shall ensure that students:
 - a. Understand the connection between their work-based learning and academics
 - b. Are provided opportunities to reflect on their work experiences
 - c. Demonstrate their learning in writing, portfolio, presentation, digital or by other means
 - d. Are provided opportunities for career-building skills such as: interview training, skill development, and resume workshops
5. The P-TECH/ICIA shall allow for demonstration of enrichment and extracurricular opportunities, such as clubs, Career and Technical Student Organizations, competitions, and special initiatives

Required Activities and Products

Activities

- a. All products shall be published on the P-TECH/ICIA website and be made available to TEA upon request
- b. All products shall be maintained in accordance with local retention policy

Products

- a. Documentation of appropriate work-based learning experiences for students at all grade levels
- b. Current dated regional high demand occupation list
- c. Aggregate data describing student participation in work-based learning experiences as well as percentage of students earning industry certification and credentials by type
- d. Samples of student artifacts such as writings, portfolios, presentations, or links to digital content



Benchmark 6: Student Support

P-TECH/ICIA will provide wrap-around strategies and services involving multiple stakeholders (parents, teachers, counselors, community members, etc.) to strengthen both the academic and technical skills necessary for high school and college readiness, as well as provide academic, technical, and individual support for students to be successful in rigorous academic and work-based learning experiences.

Design Elements

All P-TECH/ICIAs must implement and meet the following requirements:

1. The P-TECH/ICIA shall provide layered academic support to the students by personalizing the learning environment in the following ways:
 - a. Developing individualized, college and career focused student plans with specific graduation plan for ongoing academic support
 - b. Providing academic support for intervention, remediation, and acceleration
 - c. Providing tutoring and/or Saturday school for identified students in need of academic supports
 - d. Providing students with application, financial aid counseling and college/career counseling
 - e. Providing advisory and/or college readiness and support time built into the program of study for all students
 - f. Providing bridge programs (an intensive academic preparation program that provides opportunities to strengthen academic skills necessary for high school, college readiness and career readiness and exploration) and to support student transition from middle school to the P-TECH/ICIA program (as well as elementary to middle school if applicable)
 - g. Establishing an industry mentorship program available to all students; and
2. The P-TECH/ICIA shall provide layered social and emotional support to the students as needed, such as:
 - a. Connections to social services
 - b. Parent outreach and involvement opportunities
 - c. A structured program of community service to promote community involvement; and
 - d. Skill building instruction for students, such as time management, study skills, collaboration and interpersonal relationship skills

Required Activities and Products

Activities

- a. All products shall be published on the school website and be made available to TEA upon request
- b. All products shall be maintained in accordance with local retention policy

Products

- a. Bridge program calendar and curricula
- b. Tutoring and other intervention/remediation program schedules
- c. Calendar of family outreach events
- d. Schedule of regularly scheduled counseling/advisory events and records of completion for these support services

Access Outcomes-Based Measures

Data Indicators	Provisional	Designated	Designated with Excellence
Requirements	Must meet at-risk students for incoming 9th graders and at least three additional target population data indicators	Must meet at-risk students for incoming 9th graders and at least three additional target population data indicators	Must meet at-risk students for incoming 9th graders and at least four additional target population data indicators
P-TECH/ICIA proportionate to or over-represents at-risk students for incoming 9th graders	No more than 20% points under district	No more than 15% points under district	No more than 10% points under district
P-TECH/ICIA proportionate to or over-represents African American students	No more than 10% points under district	No more than 5% points under district	Meets or over-represents district
P-TECH/ICIA proportionate to or over-represents Hispanic students	No more than 10% points under district	No more than 5% points under district	Meets or over-represents district
P-TECH/ICIA proportionate to or over-represents economically disadvantaged students	No more than 10% points under district	No more than 5% points under district	Meets or over-represents district
P-TECH/ICIA proportionate to or over-represents non-traditional CTE participants*	No more than 10% points under district	No more than 5% points under district	Meets or over-represents district
P-TECH/ICIA proportionate to or over-represents ELL and SWDs	<u>Not taken into account for designation</u>	<u>Not taken into account for designation</u>	No more than 5% points under

* Nontraditional Career-Technical Education (CTE) programs are identified as those connected to occupations or fields of work in which individuals from one gender comprise less than 25 percent of the individuals employed in those occupations or fields of work. The male and female lists are updated annually for Perkins IV.

Attainment Outcomes-Based Measures			
Data Indicators	Provisional	Designated	Designated with Excellence
Requirements	Must meet college-level course and Work-Based Learning requirements	Must meet targets on at least four attainment data indicators	Must meet targets on at least five attainment data indicators
Grade-to-grade retention by subgroup (weighted)	Not <u>taken into account</u> for designation	Retain 80% of students who remain in district grade-to-grade	Retain 90% of students who remain in district grade-to-grade
Completing one college-level course by end of 11th grade (any)	80% of students (by the fourth year of implementation)	90% of students	100% of students
Earning postsecondary degree provided by an IHE by graduation	Not <u>taken into account</u> for designation	30% of students	50% of students
Earning a postsecondary credential provided by an IHE by graduation	Not <u>taken into account</u> for designation	30% of students	50% of students
Earning industry certification by high school graduation	Not <u>taken into account</u> for designation	30% of students	50% of students
Earning postsecondary degree or postsecondary credential provided by an IHE or industry certificate by high school graduation	Not <u>taken into account</u> for designation	80% of graduating cohort of students	100% of graduating cohort of students
Participating in a Work-Based Learning placement/course by graduation	35% of students (by the fourth year of implementation)	50% of students	85% of students

Achievement Outcomes-Based Measures			
Data Indicator	Provisional	Designated	Designated with Excellence
Requirements	Must meet at least one target	Must meet at least three achievement data indicators	Must meet at least four achievement data indicators
Meet TSI criteria (SAT/ACT/TSIA) in reading and mathematics	35% passing rate on one or more college readiness benchmarks	50% passing rate on one or more college readiness benchmarks	60% passing rate on one or more college readiness benchmarks
Earn industry certification	Not <u>taken into account</u> for designation	30% of students	50% of students
Earn an associate degree	Not <u>taken into account</u> for designation	30% of students	50% of students
Complete a course for dual credit	35% of students	80% of students	100% of students
Algebra I EOC assessment in 9 th grade	Not <u>taken into account</u> for designation	85% of students meeting grade level standard	85% of students meeting grade level and 45% mastering grade level standard
English II EOC assessment (grades 9-11)	Not <u>taken into account</u> for designation	85% of students meeting grade level standard	85% of students passing and 25% of students mastering grade level

Instructional Materials Quality Evaluation Pilot Review

April 3, 2019

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

SUMMARY: This item will provide the board with an update on the progress of the Instructional Materials Quality Evaluation (IMQE) Pilot.

STATUTORY AUTHORITY: Texas Education Code (TEC), [§31.081](#) and [§31.082](#).

TEC, §31.081 requires the commissioner to develop and maintain a web portal to assist school districts and open-enrollment charter schools in selecting instructional materials.

TEC, §31.082 requires the commissioner to contract with a private entity to conduct an independent analysis of each instructional material submitted by a publisher for inclusion in the web portal developed under §31.081.

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: TEC, §31.081 and §31.082, added by HB 3526 and SB 810, 85th Legislature, 2017, requires the agency to develop and maintain a web portal that includes general information for each material submitted for review, evaluation of the quality of the material and the extent to which it covers the Texas Essential Knowledge and Skills (TEKS), and a repository of open educational resources, including state-developed materials; create procedures for submitting materials to the web portal; use a competitive process to contract for the development of the portal; and contract with a private entity to conduct an independent analysis of materials submitted for review.

The goal of the IMQE portal is to provide free, transparent, and user-friendly information about the extent to which materials reflect research-based pedagogy and support the learning of all students. The IMQE pilot will mirror, to the extent possible, the process to be used for the official IMQE portal and will provide the agency an opportunity to evaluate procedures and make improvements before the official launch.

PUBLIC BENEFIT AND COST TO PERSONS: School districts and charter schools will have additional information to assist with decisions regarding selection of instructional materials based on local needs.

PUBLIC COMMENTS: None.

Staff Members Responsible:

Kristen Dobson, Executive Director, Special Projects

Ratification of Texas Essential Knowledge and Skills Coverage in Materials Submitted for Review for the Instructional Materials Quality Evaluation Pilot

April 5, 2019

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

SUMMARY: This item gives the board an opportunity to ratify the report from the Texas Essential Knowledge and Skills (TEKS) review committees regarding materials that were submitted for review for the Instructional Materials Quality Evaluation (IMQE) Pilot. This item presents the final report from the commissioner of education regarding the coverage of the TEKS and English Language Proficiency Standards (ELPS).

STATUTORY AUTHORITY: Texas Education Code (TEC), §31.081 and §31.082.

TEC, §31.081 requires the commissioner to develop and maintain a web portal to assist school districts and open-enrollment charter schools in selecting instructional materials.

TEC, §31.082 requires the commissioner to contract with a private entity to conduct an independent analysis of each instructional material submitted by a publisher for inclusion in the web portal developed under §31.081.

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: TEC, §31.081 and §31.082, added by HB 3526 and SB 819, 85th Legislature, 2017, requires the agency to develop and maintain a web portal that includes general information for each material submitted for review, evaluation of the quality of the material and the extent to which it covers the TEKS, and a repository of open educational resources, including state-developed materials; create procedures for submitting materials to the web portal; use a competitive process to contract for the development of the portal; and contract with a private entity to conduct an independent analysis of materials submitted for review. The evaluation will mirror the State Board of Education adoption process to review materials for TEKS alignment.

The goal of the IMQE portal is to provide free, transparent, and user-friendly information about the extent to which materials reflect research-based pedagogy and support the learning of all students. The IMQE pilot will mirror, to the extent possible, the official IMQE portal and will provide the vendor and the agency an opportunity to evaluate procedures and make improvements before the official launch.

PUBLIC BENEFIT AND COST TO PERSONS: The IMQE portal is expected to make it easier for school districts and charter schools to search for instructional materials based on local needs and potentially increase the ease and efficiency of local review processes.

MOTION TO BE CONSIDERED: The State Board of Education:

Ratify the report of the commissioner of education regarding TEKS and ELPS alignment in instructional materials submitted to the instructional materials quality evaluation pilot.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Kelly Callaway, Senior Director, Instructional Materials

Separate Exhibit:

Report of the Commissioner of Education Regarding TEKS and ELPS
Alignment in Instructional Materials Submitted to the Instructional
Materials Quality Evaluation Pilot

Discussion of *Proclamation 2021* of the State Board of Education Advertising for Bids on Instructional Materials

April 3, 2019

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

SUMMARY: This item provides an opportunity for the State Board of Education (SBOE) to discuss the schedule of events and instructional materials to be included in *Proclamation 2021*. Instructional materials submitted in response to *Proclamation 2021* would be scheduled for adoption by the SBOE in November 2020.

STATUTORY AUTHORITY: Texas Education Code (TEC), §31.022.

TEC, §31.022 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: *Proclamation 2010* was issued by the SBOE in November 2007. *Proclamation 2011* was issued by the SBOE in May 2008. In May 2010, the board voted to postpone *Proclamation 2012* indefinitely. In its place, the board issued a Request for Supplemental Science Materials for science, grades 5-8, Biology, Chemistry, Integrated Physics and Chemistry (IPC), and Physics. *Proclamation 2014* was issued by the SBOE in April 2012. *Proclamation 2015* was issued by the SBOE in April 2013. At the July 2014 meeting, the board took action to delay the effective date of *Proclamation 2016* for one calendar year and to combine the subject areas that were scheduled to be included in *Proclamation 2016* with those that were scheduled to be included in *Proclamation 2017*. *Proclamation 2017* was issued by the SBOE in April 2015. *Proclamation 2018* was issued by the SBOE in November 2016. *Proclamation 2019* was issued by the SBOE in April 2017. *Proclamation 2020* was issued by the SBOE in April 2018.

BACKGROUND INFORMATION AND JUSTIFICATION: A revised adoption cycle for instructional materials was approved by the SBOE in January 2012. The cycle was most recently adjusted in July 2017.

PUBLIC BENEFIT AND COST TO PERSONS: Benefits include the availability of instructional materials aligned to new and revised standards in the year in which new and revised standards are implemented. There is no anticipated economic cost to persons who are required to comply with the proposal.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services
Kelly Callaway, Senior Director, Instructional Materials

Attachment: Text of 19 TAC Chapter 66, [State Adoption and Distribution of Instructional Materials](#), Subchapter B, [State Adoption of Instructional Materials](#), §66.27, [Proclamation, Public Notice, and Schedule for Adopting Instructional Materials](#)

Separate Exhibit: Draft of *Proclamation 2021* of the State Board of Education Advertising for Bids on Instructional Materials

ATTACHMENT
Text of 19 TAC

Chapter 66. State Adoption and Distribution of Instructional Materials

Subchapter B. State Adoption of Instructional Materials

§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; on-line 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), 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) 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) 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) 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 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-source 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 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.
- (j) 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.

- (k) 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 who 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.

Update on Texas Essential Knowledge and Skills (TEKS) Review

April 3, 2019

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

SUMMARY: This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS).

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

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

TEC, §28.002, identifies the subjects of the required curriculum and 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, requires the SBOE to by rule determine the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under the TEC, §28.002.

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

PREVIOUS BOARD ACTION: The SBOE adopted the TEKS for all subjects effective September 1, 1998. The English language arts and reading TEKS were amended effective September 4, 2008. The Spanish language arts and reading TEKS were amended effective November 26, 2008. The TEKS for high school English elective courses were amended effective August 23, 2010. In May 2017, the SBOE gave final approval to revisions to the English and Spanish language arts and reading TEKS for Kindergarten-Grade 8 with a scheduled implementation date of the 2019-2020 school year. The SBOE gave final approval to revisions to the English language arts and reading and English as a second language (ESL) TEKS for high school with a scheduled implementation date of the 2020-2021 school year. 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. The SBOE gave final approval to streamlined science TEKS in April 2017 for implementation in the 2018-2019 school year. The social studies TEKS were amended effective August 23, 2010. The SBOE gave final approval to streamlined social studies TEKS in November 2018. The streamlined social studies TEKS for middle and high school social studies are scheduled for implementation beginning with the 2019-2020 school year and Kindergarten-Grade 5 social studies TEKS are scheduled for implementation in the 2020-2021 school year. The career and technical education (CTE) TEKS were amended effective August 23, 2010. The CTE TEKS were again amended effective August 28, 2017 and implemented in the 2017-2018 school year. The fine arts TEKS were amended effective August 24, 2015. The TEKS for languages other than English (LOTE) were amended effective July 15, 2014, and December 31, 2014, and were implemented in the 2017-2018 school year. The technology applications TEKS were amended effective September 26, 2011.

BACKGROUND INFORMATION AND JUSTIFICATION: The board received training from a standards writing advisor at the July 2014 meeting. The standards writing advisor provided additional

training to Texas Education Agency (TEA) staff in October 2014 to support future facilitation of the TEKS review committees.

The 2017 TEKS review and revision process was used for the streamlining of the social studies TEKS. The board directed work groups to make recommendations for Kindergarten-Grade 8 and the following high school courses: U.S. History Studies, World History Studies, World Geography Studies, U.S. Government, and Economics, with Emphasis on the Free Enterprise System and Its Benefits. Five different work groups were convened from February-August 2018 to make recommendations to the board. At its November 2018 meeting, the SBOE approved for second reading and final adoption proposed revisions to streamline the social studies TEKS. The TEKS for middle school and high school social studies are scheduled for implementation beginning with the 2019-2020 school year and the TEKS for Kindergarten-Grade 5 social studies are scheduled for implementation in the 2020-2021 school year.

In 2011, Senate Bill 6, 82nd Texas Legislature, First Called Session, amended the required curriculum to include economics, with emphasis on the free enterprise system and its benefits, as part of the subjects that constitute social studies rather than as a separate subject area. As a result of this change, the TEKS for economics were moved from 19 TAC Chapter 118 to 19 TAC Chapter 113 at the time the social studies TEKS were streamlined.

At the September 2017 meeting, the board approved a request for the commissioner to convene a group of experts to develop a study to provide guidance for the development of revised health education TEKS. At that time, the SBOE also approved parameters for the recommendations of the commissioner's committee to include a framework for what the strands should be for Kindergarten-Grade 12, distinctions regarding grade levels and/or grade bands at which health concepts are most appropriately taught, and a summary of all statutory requirements related to health education and suggestions regarding the most appropriate way to integrate those requirements into the framework. The review of the health education TEKS is scheduled take place concurrently with the review of the physical education TEKS. The reviews are scheduled to begin in 2019.

At the November 2018 meeting, the SBOE approved updates to the 2017 TEKS review and revision process. The complete updated process will be used for the review of the physical education and health education TEKS. The SBOE will begin the review of the English Language Proficiency Standards (ELPS) in 2019, in accordance with the SBOE's approved TEKS and instructional materials review schedule. Applications to serve on ELPS review work groups were posted on the TEA website in December 2018. Also in December 2018, TEA distributed a survey to collect information from educators regarding the review and revision of the ELPS. TEA staff provided initial applications for the ELPS review work groups to SBOE members by email on January 14, 2019, and the members were asked to submit approvals to the agency by February 1. At the January-February 2019 SBOE meeting, TEA provided SBOE members with additional applications for the ELPS review work groups, and the members were asked to submit approvals to the agency by March 1, 2019. TEA staff provided additional applications to SBOE members by email on March 5.

PUBLIC BENEFIT AND COST TO PERSONS: Benefits include better alignment of the ELPS and TEKS and coordination of the standards with the adoption of instructional materials.

PUBLIC COMMENTS: None.

Staff Members Responsible:

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

Discussion of Pending Litigation

April 3, 2019

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

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

Cases to be discussed may include:

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

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

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

BOARD RESPONSE: Board may advise and comment.

PREVIOUS BOARD ACTION: The committee is apprised of pending litigation when the need arises.

FUTURE ACTION EXPECTED: Continued briefing on procedural developments.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: None.

Staff Member Responsible:

Von Byer, General Counsel, Legal Services

COMMITTEE ON INSTRUCTION

**Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements,
Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential
Knowledge and Skills Alignment
(First Reading and Filing Authorization)**

April 5, 2019

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item presents for first reading and filing authorization a proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment. The proposed amendment would update the alignment charts for the College and Career Readiness Standards (CCRS) and the Texas Essential Knowledge and Skills (TEKS) to add a new alignment chart for English language arts and to reflect changes resulting from recent updates to the English language arts and mathematics CCRS.

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.102(c)(4) and §28.008(d).

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

TEC, §28.008(d), requires the SBOE to adopt a chart by rule that clearly indicates the alignment of the college readiness standards and expectations with the TEKS.

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 to 19 TAC §74.6 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 2020-2021 school year. The earlier effective date will ensure accurate information is available related to alignments at the start of the 2019-2020 school year.

PREVIOUS BOARD ACTION: The SBOE adopted the TEKS for all subjects effective September 1, 1998. The mathematics TEKS were amended effective August 1, 2006, and September 12, 2012. The secondary mathematics TEKS were also amended effective February 22, 2009. These amendments included incorporation of the mathematics CCRS. The English language arts and reading TEKS were amended effective September 4, 2008, and included incorporation of the English language arts CCRS. The SBOE gave final approval for the revised English language arts and reading TEKS in May 2017. The science TEKS were amended effective August 4, 2009, and included incorporation of the science CCRS. The social studies TEKS were amended effective August 23, 2010, and the social studies TEKS included incorporation of the social studies CCRS. The SBOE approved 19 TAC §74.6 for second reading and final adoption at the January 2016 SBOE meeting, and the section became effective April 6, 2016.

The English language arts and reading TEKS were revised after the January 2016 SBOE meeting. Committee members revising the reading and language arts TEKS were careful to incorporate the CCRS into the revised curriculum standards. The Texas Higher Education Coordinating Board (THECB)

updated the CCRS in April 2018, which has necessitated updating the alignment charts for the CCRS and the TEKS.

BACKGROUND INFORMATION AND JUSTIFICATION: In 2006, the 79th Texas Legislature required Texas Education Agency (TEA) and THECB to establish vertical teams composed of public school educators and faculty from institutions of higher education to develop college- and career-ready standards in the areas of English/language arts, mathematics, science, and social studies. The work of the vertical teams was organized in three phases. The first phase included a series of team meetings to create the CCRS for the four subject areas. Phase two required the vertical teams to make recommendations regarding alignment of the TEKS with the CCRS. Phase three required the vertical teams to develop or establish instructional strategies, professional development materials, and online support materials for students who need additional assistance in preparing to successfully perform college-level work. Teams also engaged in a series of gap analyses to ensure alignment between the adopted TEKS and the CCRS.

THECB adopted the CCRS in January 2008. The commissioner of education approved the CCRS, and the SBOE incorporated them into the TEKS as follows: English language arts and reading TEKS in 2008; mathematics and science TEKS in 2009; and social studies TEKS in 2010.

The 84th Texas Legislature, Regular Session, 2015, passed House Bill 1613, amending TEC, §28.008, to require the SBOE to adopt a chart by rule that clearly indicates the alignment of the college readiness standards and expectations with the TEKS. In January 2016, the SBOE approved 19 TAC §74.6, which adopted in rule charts demonstrating the alignment of the TEKS with the mathematics, science, social studies, and cross-disciplinary CCRS. The board did not adopt charts for English language arts and reading because the TEKS for that subject area were being updated at the time the rule was adopted.

The SBOE gave final approval for the revised English language arts and reading TEKS in May 2017. The revised TEKS will be implemented in the 2019-2020 school year for Kindergarten-Grade 8. The high school TEKS will be implemented in the 2020-2021 school year.

In 2018, THECB updated the CCRS for language arts and mathematics. As a result, the mathematics alignment chart would also be updated.

The attachment to this item reflects the text of the amendment to 19 TAC §74.6 for consideration by the SBOE. Charts demonstrating the alignment of the TEKS with the mathematics and language arts CCRS will be provided as separate exhibits at the April 2019 SBOE meeting.

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

PUBLIC BENEFIT AND COST TO PERSONS: The proposal would provide the public with a clear understanding of the integration of college and career readiness standards in the TEKS. 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: The TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins May 3, 2019, and ends June 7, 2019. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2019 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 3, 2019.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment.

Staff Members Responsible:

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

Attachment: Text of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment

Separate Exhibits: Figure: 19 TAC §74.6(b), Mathematics CCRS-TEKS Alignment Chart
Figure: 19 TAC §74.6(f), English Language Arts CCRS-TEKS Alignment Chart
(To be provided at the April 2019 SBOE meeting)

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter A. Required Curriculum

§74.6. College and Career Readiness and Texas Essential Knowledge and Skills Alignment.

(a) In accordance with the Texas Education Code, §28.008, the State Board of Education shall incorporate College and Career Readiness Standards approved by the commissioner of education and the Texas Higher Education Coordinating Board into the essential knowledge and skills and indicate the alignment of the College and Career Readiness Standards with the essential knowledge and skills.

(b) The figure in this subsection identifies the alignment of the College and Career Readiness Standards for mathematics with the essential knowledge and skills.

Figure: 19 TAC §74.6(b) [~~Figure: 19 TAC §74.6(b)~~]

(c) The figure in this subsection identifies the alignment of the College and Career Readiness Standards for science with the essential knowledge and skills.

Figure: 19 TAC §74.6(c)

(d) The figure in this subsection identifies the alignment of the College and Career Readiness Standards for social studies with the essential knowledge and skills.

Figure: 19 TAC §74.6(d)

(e) The figure in this subsection identifies the alignment of the College and Career Readiness Standards for cross-disciplinary studies with the essential knowledge and skills.

Figure: 19 TAC §74.6(e)

(f) The figure in this subsection identifies the alignment of the College and Career Readiness Standards for English language arts with the essential knowledge and skills.

Figure: 19 TAC §74.6(f)

Proposed Amendment to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter C, High School, §114.53, Advanced Language for Career Applications (One Credit)
(First Reading and Filing Authorization)

April 5, 2019

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: CONSENT

SUMMARY: This item presents for first reading and filing authorization a proposed amendment to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other than English, Subchapter C, High School, §114.53, Advanced Language for Career Applications (One Credit). The proposed amendment would eliminate language that is outdated and no longer necessary.

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

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

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

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

TEC, §28.002(t), requires the SBOE, in consultation with the commissioner of higher education and business and industry leaders, to develop an advanced language course that a school district may use 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.

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

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

EFFECTIVE DATE: The proposed effective date of the proposed amendment to 19 TAC Chapter 114, Subchapter C, is August 26, 2019. 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 2020-2021 school year. The earlier effective date will ensure clarity of expectations related to the Advanced Language for Career Applications course at the start of the 2019-2020 school year.

PREVIOUS BOARD ACTION: The SBOE adopted the languages other than English (LOTE) Texas Essential Knowledge and Skills (TEKS) effective September 1, 1998. In April 2014, the SBOE adopted revisions to the LOTE TEKS effective July 15, 2014. In September 2014, the SBOE adopted new LOTE TEKS for classical languages effective November 3, 2014. The revised LOTE TEKS adopted in 2014 were implemented beginning with the 2017-2018 school year. The SBOE gave final approval to 19 TAC

§114.53 at the April 2017 SBOE meeting, and the section became effective July 30, 2017. A discussion item regarding the proposed amendment to the TEKS for Advanced Language for Career Applications was presented to the Committee on Instruction at the January-February 2019 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: House Bill 1431, 84th Texas Legislature, 2015, added TEC, §28.002(t), to require that the SBOE, in consultation with the commissioner of higher education and business and industry leaders, develop an advanced language course that a school district may use 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. In August 2016, a committee of secondary and postsecondary educators and business and industry representatives were selected to develop recommended TEKS for the advanced career-oriented LOTE course.

At the April 2017 meeting, the SBOE approved for second reading and final adoption §114.53, Advanced Language for Career Applications (One Credit). The new course was implemented in the 2017-2018 school year.

The general requirements for Advanced Language for Career Applications originally specified that the course could not be used to satisfy a LOTE requirement for an endorsement. However, at the April 2017 SBOE meeting, the board approved for second reading and final adoption language in 19 TAC §74.13, Endorsements, that allows Advanced Language for Career Applications to count toward the four levels in the same language of LOTE required to earn a LOTE arts and humanities endorsement.

The attachment to this item reflects the text of proposed amendment to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter C, High School, §114.53, Advanced Language for Career Applications (One Credit), for consideration by the SBOE. The proposed amendment would eliminate the specification in the TEKS that the course may not be used to satisfy a LOTE requirement for an endorsement as it is not aligned with the rule related to endorsements.

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 a 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 not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the

agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: The proposal would eliminate language that is outdated and may be confusing. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins May 3, 2019, and ends June 7, 2019. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2019 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 3, 2019.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization proposed amendment to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter C, High School, §114.53, Advanced Language for Career Applications (One Credit).

Staff Members Responsible:

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

Attachment: Text of Proposed Amendment to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter C, High School, §114.53, Advanced Language for Career Applications (One Credit)

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 114. Texas Essential Knowledge and Skills for Languages Other Than English

Subchapter C. High School

§114.53. Advanced Language for Career Applications (One Credit).

- (a) General requirements.
- (1) Advanced Language for Career Applications may be offered in high school. Students shall be awarded one credit for successful completion of this course. Prerequisite: successful completion of Level III, achieving an Intermediate Low to Intermediate Mid proficiency level, or demonstrated equivalent proficiency as determined by the district.
 - (2) Districts may offer this course in a variety of scheduling arrangements that may extend or reduce the traditional schedule when careful consideration is given to the instructional time available on a campus and the language ability, access to programs, and motivation of students.
 - (3) This course may not satisfy a high school languages other than English (LOTE) graduation requirement ~~[or a LOTE requirement for an endorsement]~~. Students shall be awarded one elective credit for successful completion of this course.
- (b)-(c) (No change.)

**Proposed Revisions to 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics,
Subchapter D, Other High School Mathematics Courses
(First Reading and Filing Authorization)**

April 5, 2019

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

SUMMARY: This item presents for first reading and filing authorization proposed revisions to 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses. The proposed revisions would repeal a rule that is outdated and duplicative of other SBOE rules and would add four new International Baccalaureate (IB) courses to the mathematics Texas Essential Knowledge and Skills (TEKS) for implementation in the 2019-2020 school year.

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

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

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

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

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

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

EFFECTIVE DATE: The proposed effective date of the proposed revisions is August 1, 2019. 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 2020-2021 school year. The earlier effective date will help avoid any confusion for school districts about IB mathematics courses that will be implemented in the 2019-2020 school year.

PREVIOUS BOARD ACTION: The SBOE originally adopted the TEKS for IB courses in English language arts and reading, mathematics, science, and economics effective September 1, 1998; IB social studies courses effective September 1, 2001; IB technology applications courses effective September 26, 2011; and IB languages other than English courses effective July 15, 2014. The IB mathematics TEKS were amended effective October 10, 2012.

At the January-February 2018 meeting, the SBOE approved proposed revisions to 19 TAC Chapter 110, Subchapter D; Chapter 111, Subchapter D; Chapter 112, Subchapter D; and Chapter 114, Subchapter D. These revisions became effective August 27, 2018.

The SBOE originally adopted 19 TAC §111.60, Concurrent Enrollment in College Courses, effective September 1, 1998. This section was amended to be effective July 12, 2010.

BACKGROUND INFORMATION AND JUSTIFICATION: For students to earn state credit toward specific graduation requirements, a course must be approved by the SBOE and included in SBOE rule. In September 2019, the International Baccalaureate Organization will add four new mathematics courses to its diploma program. The proposed revisions would add the four new IB courses to the mathematics TEKS for implementation in the 2019-2020 school year so that school districts and charter schools may offer the new IB courses. The current IB mathematics courses will be repealed once they are no longer necessary.

In addition, the proposed revisions would repeal §111.60 since the section is outdated and duplicative of other SBOE rules.

The proposed revisions were not presented as a discussion item. The SBOE, however, may wish to consider this item for first reading and filing authorization as authorized under its operating procedures. Therefore, this item is presented for first reading and filing authorization consideration at this meeting. It is recommended that the SBOE consider this item for first reading and filing authorization to ensure that the revisions for 19 TAC Chapter 111, Subchapter D, can be implemented beginning with the 2019-2020 school year.

The text of proposed revisions to 19 TAC Chapter 111, Subchapter D, for consideration by the SBOE for first reading and filing authorization, is presented in the attachment to this item.

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. 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: The proposal would make additional IB courses available to allow students more flexibility in meeting state requirements for graduation. 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: The TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins May 3, 2019, and ends June 7, 2019. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2019 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 3, 2019.

MOTION TO BE CONSIDERED: The State Board of Education:

Suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and

Approve for first reading and filing authorization proposed revisions to 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses.

Staff Members Responsible:

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

Attachment: Text of Proposed Revisions to 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses

ATTACHMENT
Text of Proposed Revisions to 19 TAC

Chapter 111. Texas Essential Knowledge and Skills for Mathematics

Subchapter D. Other High School Mathematics Courses

~~§111.60. Concurrent Enrollment in College Courses.~~

- ~~(a) General requirements. Students shall be awarded at least one half credit for each semester of successful completion of a college course in which the student is concurrently enrolled while in high school.~~
- ~~(b) Content requirements. In order for students to receive state graduation credit for concurrent enrollment courses, content requirements must meet or exceed the essential knowledge and skills in a given course.~~

§111.61. International Baccalaureate (IB) Mathematics: Analysis and Approaches Standard Level (Two Credits).

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

§111.62. International Baccalaureate (IB) Mathematics: Analysis and Approaches Higher Level (Two Credits).

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

§111.63. International Baccalaureate (IB) Mathematics: Applications and Interpretations Standard Level (Two Credits).

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

§111.64. International Baccalaureate (IB) Mathematics: Applications and Interpretations Higher Level (Two Credits).

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

**Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B,
Graduation Requirements, §74.11, High School Graduation Requirements
(First Reading and Filing Authorization)**

April 5, 2019

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item presents for first reading and filing authorization a proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements. The proposed amendment would update the rule to align with the requirements of TEC, §28.025(b-7), which allows a student who completes the core curriculum of a Texas institution of higher education (IHE) while in high school to earn an endorsement, the distinguished level of achievement, and a high school diploma.

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.102(c)(4) and §28.025(b-7).

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

TEC, §28.025(b-7), requires the SBOE to by rule ensure that a student may comply with the curriculum requirements under the foundation high school program or for an endorsement by successfully completing appropriate courses in the core curriculum of an IHE under TEC, §61.822. Additionally, a student who has completed the core curriculum of an IHE under TEC, §61.822, as certified by the IHE in accordance with 19 TAC §4.28, 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.

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 26, 2019. 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 2020-2021 school year. The earlier effective date will ensure the rule aligns with current statute at the earliest date possible.

PREVIOUS BOARD ACTION: The SBOE adopted rules in 19 TAC Chapter 74, Subchapter B, to implement the Foundation High School Program effective July 8, 2014. The SBOE adopted amendments to 19 TAC §74.11 effective August 22, 2016, and August 27, 2018.

BACKGROUND INFORMATION AND JUSTIFICATION: The 83rd Texas Legislature, Regular Session, 2013, passed House Bill (HB) 5, amending TEC, §28.025, to transition from three high school graduation programs to one foundation high school program with endorsement options to increase flexibility for students. HB 5 gave the SBOE the authority to identify advanced courses related to the new graduation program, identify the curriculum requirements for the endorsements, and determine the requirements for performance acknowledgments related to the new graduation program.

The SBOE implemented HB 5 by approving proposed revisions to 19 TAC Chapter 74, Subchapter B, Graduation Requirements, as amended, for second reading and final adoption at the January 2014 meeting. The rules were implemented beginning with students entering Grade 9 in the 2014-2015 school year.

The proposed amendment to §74.11 would update the rule to align with the requirements of TEC, §28.025(b-7), which allows a student who completes the core curriculum of a Texas IHE while in high school to earn an endorsement, the distinguished level of achievement, and a high school diploma.

The attachment to this item reflects the text of the proposed amendment to 19 TAC §74.11 for consideration by the SBOE for first reading and filing authorization. The proposal would add in new subsection (n) the requirement that school districts must permit a student to comply with the curriculum requirements under the Foundation High School Program by successfully completing appropriate courses in the core curriculum of an IHE. The new subsection would also specify that a student who has completed the core curriculum of an IHE in accordance with TEC, §61.822, is considered to have earned an endorsement and a distinguished level of achievement under the Foundation High School Program and is entitled to receive a high school diploma.

In addition, a technical edit would be made in subsection (g) to remove reference to 19 TAC Chapter 118, Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and Its Benefits. The chapter will be repealed effective August 26, 2019, to reflect the inclusion of economics courses in 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies.

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 the rule aligns with current statute at the earliest date possible.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the

agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: The proposal would add flexibility in options for students to meet high school graduation requirements. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins May 3, 2019, and ends June 7, 2019. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2019 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 3, 2019.

MOTION TO BE CONSIDERED: The State Board of Education:

Suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and

Approve for first reading and filing authorization proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements.

Staff Members Responsible:

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

Attachment: Text of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter B. Graduation Requirements

§74.11. High School Graduation Requirements.

- (a) To receive a high school diploma, a student entering Grade 9 in the 2014-2015 school year and thereafter must complete the following:
 - (1) in accordance with subsection (c) of this section, requirements of the Foundation High School Program specified in §74.12 of this title (relating to Foundation High School Program);
 - (2) testing requirements for graduation as specified in Chapter 101 of this title (relating to Assessment); and
 - (3) demonstrated proficiency, as determined by the district in which the student is enrolled, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.
- (b) A school district shall clearly indicate the distinguished level of achievement under the Foundation High School Program, an endorsement, and a performance acknowledgment on the transcript or academic achievement record (AAR) of a student who satisfies the applicable requirements.
- (c) A student entering Grade 9 in the 2014-2015 school year and thereafter shall enroll in the courses necessary to complete the curriculum requirements for the Foundation High School Program specified in §74.12 of this title and the curriculum requirements for at least one endorsement specified in §74.13 of this title (relating to Endorsements).
- (d) 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 Texas Education Agency (TEA), allowing the student to graduate under the Foundation High School Program without earning an endorsement.
- (e) A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the Foundation High School Program and the curriculum requirements for at least one endorsement required by the Texas Education Code (TEC), §28.025(b-15), including four credits in science and four credits in mathematics to include Algebra II.
- (f) An out-of-state or out-of-country transfer student (including foreign exchange students) or a transfer student from a Texas nonpublic school is eligible to receive a Texas diploma [] but must complete all requirements of this section to satisfy state graduation requirements. Any course credit required in this section that is not completed by the student before he or she enrolls in a Texas school district may be satisfied through the provisions of §74.23 of this title (relating to Correspondence Courses and Distance Learning) and §74.24 of this title (relating to Credit by Examination) or by completing the course or courses according to the provisions of §74.26 of this title (relating to Award of Credit).
- (g) Elective credits may be selected from the following:
 - (1) high school courses not required for graduation that are listed in the following chapters of this title:

- (A) Chapter 110 of this title (relating to Texas Essential Knowledge and Skills for English Language Arts and Reading);
 - (B) Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics);
 - (C) Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science);
 - (D) Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies);
 - (E) Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English);
 - (F) Chapter 115 of this title (relating to Texas Essential Knowledge and Skills for Health Education);
 - (G) Chapter 116 of this title (relating to Texas Essential Knowledge and Skills for Physical Education);
 - (H) Chapter 117 of this title (relating to Texas Essential Knowledge and Skills for Fine Arts);
 - ~~(I) Chapter 118 of this title (relating to Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and Its Benefits);~~
 - (I) ~~(H)~~ Chapter 126 of this title (relating to Texas Essential Knowledge and Skills for Technology Applications);
 - (J) ~~(K)~~ Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development); and
 - (K) ~~(L)~~ Chapter 130 of this title (relating to Texas Essential Knowledge and Skills for Career and Technical Education);
- (2) state-approved innovative courses as specified in §74.27 of this title (relating to Innovative Courses and Programs);
 - (3) Junior Reserve Officer Training Corps (JROTC)--one to four credits; and
 - (4) Driver Education--one-half credit.
- (h) Courses offered for dual credit at or in conjunction with an institution of higher education that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements.
 - (i) A student may not be enrolled in a course that has a required prerequisite unless:
 - (1) the student has successfully completed the prerequisite course(s);
 - (2) the student has demonstrated equivalent knowledge as determined by the school district; or
 - (3) the student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.
 - (j) A district may award credit for a course a student completed without meeting the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.
 - (k) A district shall allow a student who successfully completes AP Computer Science A or IB Computer Science Higher Level to satisfy both one advanced mathematics requirement and one languages other than English requirement for graduation.

- (l) Each school district shall annually report to the TEA the names of the locally developed courses, programs, institutions of higher education, and internships in which the district's students have enrolled as authorized by the TEC, §28.002(g-1). The TEA shall make available information provided under this subsection to other districts. If a district chooses, it may submit any locally developed course for approval under §74.27 of this title as an innovative course.
- (m) Each school district shall annually report to the TEA the names of cybersecurity courses approved by the board of trustees for credit and the institutions of higher education in which the district's students have enrolled as authorized by the TEC, §28.002(g-3). The TEA shall make available information provided under this subsection to other districts. If a district chooses, it may submit any locally developed course for approval under §74.27 of this title as an innovative course.
- (n) A school district shall permit a student to comply with the curriculum requirements under the Foundation High School Program by successfully completing appropriate courses in the core curriculum of an institution of higher education (IHE). A student who has completed the core curriculum of an IHE in accordance with TEC, §61.822, as certified by the IHE in accordance with §4.28 of this title (relating to Core Curriculum):
 - (1) is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;
 - (2) is considered to have earned a distinguished level of achievement under the Foundation High School Program; and
 - (3) is entitled to receive a high school diploma.

Discussion of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses

April 4, 2019

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

SUMMARY: This item provides an opportunity for the committee to discuss a proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses. The proposed amendment would update the list of languages other than English (LOTE) courses designated as honors courses to align with recent changes to the LOTE Texas Essential Knowledge and Skills (TEKS).

STATUTORY AUTHORITY: Texas Education Code (TEC), §33.081.

TEC, §33.081, requires the State Board of Education to establish rules limiting participation in and practice for extracurricular activities during the school day and school week. TEC, §33.081(d-1), defines and restricts the courses that are exempt from the passing grade requirement for students to be eligible to participate in extracurricular activities.

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

FUTURE ACTION EXPECTED: First reading and filing authorization of a proposed amendment to 19 TAC §74.30 will be presented at a future meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The 80th Texas Legislature passed Senate Bill 1517, amending the TEC, §33.081, to define and restrict the courses that are exempt from the passing grade requirement for students to be eligible to participate in extracurricular activities. TEC, §33.081(d-1), specifies that the courses that are exempt include all Advanced Placement and International Baccalaureate courses. Additional courses that are exempt include honors and dual credit courses in the subjects of English language arts, mathematics, science, social studies, economics, and LOTE.

The attachment to this item reflects the text of a proposed amendment to 19 TAC §74.30 for consideration by the committee. The proposed amendment would update the LOTE courses that are designated as honors courses. These changes are a result of revisions to the LOTE TEKS. Additionally, the amendment would strike the reference to economics courses, which will be combined with the TEKS for social studies effective with the 2019-2020 school year.

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, §74.30, Identification of Honors Courses

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.30. Identification of Honors Courses.

- (a) The following are identified as honors classes as referred to in the Texas Education Code, §33.081(d)(1), concerning extracurricular activities:
- (1) all College Board Advanced Placement [~~advanced placement~~] courses and International Baccalaureate courses in all disciplines;
 - (2) English language arts: high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)" [~~"Community College General Academic Course Guide Manual (Part One)";~~];
 - (3) Languages other than English: high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)"; American Sign Language, Level IV; American Sign Language, Advanced Independent Study; Level IV, Intermediate Mid to Intermediate High Proficiency; Level V, Intermediate High to Advanced Mid Proficiency; Level VI, Advanced Mid to Advanced High Proficiency; Level VII, Advanced High to Superior Proficiency; Seminar in Languages Other Than English, Advanced; Classical Languages, Level IV, Novice Mid to Advanced Mid Proficiency; Classical Languages, Levels V-VII, Novice High to Superior Low Proficiency; and Seminar in Classical Languages, Advanced [~~"Community College General Academic Course Guide Manual (Part One), and languages other than English courses Levels IV-VII~~];
 - (4) Mathematics: high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)" [~~"Community College General Academic Course Guide Manual (Part One)";~~] and Precalculus;
 - (5) Science: high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)" [~~"Community College General Academic Course Guide Manual (Part One)";~~] ; and
 - (6) Social studies: Social Studies Advanced Studies, Economics Advanced Studies, and high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)." [~~"Community College General Academic Course Guide Manual (Part One).";~~]
- (b) Districts may identify additional honors courses in the subject areas of English language arts, mathematics, science, social studies, [~~economics,~~] or a language other than English for the purpose of this section, but must identify such courses prior to the semester in which any exemptions related to extracurricular activities occur.
- (c) Districts are neither required to nor restricted from considering courses as honors for the purpose of grade point average calculation.

Proposed Approval of Innovative Courses

April 5, 2019

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item recommends approval of innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum.

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

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

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

PREVIOUS BOARD ACTION: The SBOE adopted 19 TAC §74.27, Innovative Courses and Programs, to be effective September 1, 1996, with amendments to be effective September 1, 1998. In November 2007, the SBOE adopted additional amendments to 19 TAC §74.27, to be effective December 25, 2007.

From May 1998 through July 2003, the SBOE approved a total of 45 new innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum through the annual approval process. In May 2004, July 2007, July 2009, January 2011, January 2012, January 2013, and July 2014 the SBOE approved the renewal of innovative courses in addition to approving new courses. In April 2005, April 2006, May 2008, May 2010, and April 2014 the SBOE approved renewal of innovative courses. In July 2010, the SBOE approved one new course. In April 2015, the SBOE approved for a period of five years three expiring course series submitted for renewal. In April 2016, the SBOE approved one new course for a period of three years and one new course for a one-year period. The SBOE approved for a period of five years each the renewal of three expiring innovative courses in November 2016. At the January/February 2017 meeting, the SBOE approved for renewal two expiring innovative courses for a period of five years, and at the April 2017 SBOE meeting, the SBOE approved for renewal three additional courses for a period of five years each. At the June 2017 SBOE meeting, the SBOE approved two new courses for a period of five years each. At the April 2018 SBOE meeting, the SBOE approved one new course for a period of five years. At the January-February 2019 SBOE meeting, the SBOE renewed one course for a period of three years and granted one course a one-year extension.

BACKGROUND INFORMATION AND JUSTIFICATION: After the board adopted new rules concerning graduation requirements, the experimental courses previously approved were phased out as of August 31, 1998. As a result of the adoption of the Texas Essential Knowledge and Skills (TEKS), districts now submit new requests for innovative course approval for courses that do not have TEKS.

The process outlined in 19 TAC §74.27 provides authority for the commissioner of education to approve discipline-based courses, but reserves for SBOE review and approval those courses that do not fall within any of the subject areas of the foundation or enrichment curriculum.

A brief description of the courses submitted for SBOE review and consideration will be provided to SBOE members at the April 2019 meeting. If approved, the recommended effective date for the courses

would be August 1, 2019. With the approval of the local board of trustees, the courses would be available for school districts' use beginning with the 2019-2020 school year.

PUBLIC BENEFIT AND COST TO PERSONS: Students would have access to courses that meet local district needs.

PUBLIC COMMENTS: None.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve the innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum as shown in the separate exhibit.

Staff Members Responsible:

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

Attachment: Text of 19 TAC §74.27, Innovative Courses and Programs

Separate Exhibit: Innovative Courses Recommended for Approval
(to be provided at the April 2019 SBOE meeting)

ATTACHMENT

Text of 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.27. Innovative Courses and Programs.

A school district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum.

- (1) The State Board of Education (SBOE) may approve any course that does not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying school district or organization demonstrates that the proposed course is academically rigorous and addresses documented student needs.
- (2) The commissioner of education may approve a discipline-based course in the foundation or enrichment curriculum when the applying school district or organization demonstrates that the proposed course is academically challenging and addresses documented student needs.
- (3) To request approval from the SBOE or the commissioner of education, 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) a description of activities, major resources, and materials to be used;
 - (D) the methods of evaluating student outcomes;
 - (E) the qualifications of the teacher; and
 - (F) the amount of credit requested.
- (4) With the approval of the local board of trustees, a school district may offer, without modifications, any state-approved innovative course.

Approval of Update of Instructional Materials

April 5, 2019

COMMITTEE ON INSTRUCTION: ACTION STATE BOARD OF EDUCATION: CONSENT

SUMMARY: ThinkCERCA is requesting approval to update content in three of its adopted products: *ThinkCERCA, Texas Edition*, for English language arts and reading, grades 6–8. The updated content has been reviewed by curriculum 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, 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: English language arts and reading instructional materials published by ThinkCERCA were adopted in November 2018 under *Proclamation 2019*.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Administrative Code §66.75 permits a publisher to submit a request for approval to substitute an updated edition of state-adopted instructional materials. This section also requires that all requests for updates involving content in state-adopted instructional materials be approved by the SBOE prior to their introduction into state-adopted instructional materials. *ThinkCERCA, Texas Edition, Grade 6* (9780999856130), *ThinkCERCA, Texas Edition, Grade 7* (9780999856147), and *ThinkCERCA, Texas Edition, Grade 8* (9780999856178), published by ThinkCERCA, underwent review by state review panels in the summer of 2018. *ThinkCERCA, Texas Edition, Grade 6* was found to have 93.65% TEKS coverage, *ThinkCERCA, Texas Edition, Grade 7* was found to have 93.65% TEKS coverage, and *ThinkCERCA, Texas Edition, Grade 8* was found to have 93.75% TEKS coverage.

PUBLIC BENEFIT AND COST TO PERSONS: Product updates provide more accurate student and teacher instructional materials. There is no anticipated economic cost to persons who are required to comply with the proposal.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve the request from ThinkCERCA to update *ThinkCERCA, Texas Edition, Grade 6*, *ThinkCERCA, Texas Edition, Grade 7*, and *ThinkCERCA, Texas Edition, Grade 8* adopted in November 2018 under *Proclamation 2019*.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Kelly Callaway, Senior Director, Instructional Materials

Attachment: ThinkCERCA Update Request

Submit by Email

Publishers who wish to make changes to currently adopted instructional materials are required to submit a written request to TEA.

All updates to content used to determine the Texas Essential Knowledge and Skills (TEKS) coverage must be approved by the State Board of Education (SBOE) prior to their introduction into the material. All updates that do not involve content used to determine TEKS coverage must be approved by TEA. With prior TEA approval, publishers may, at any time, make changes that do not affect the content, such as technical enhancements or improvements.

The request must be accompanied by an electronic sample of the updated content. An updated *Correlation to the TEKS and ELPS* will be required if the update involves content used to determine TEKS coverage in the initial review.

Please refer to 19 Texas Administrative Code §66.75 for more information.

Please complete all required fields, and submit the form by clicking the Submit by Email button. Send the electronic sample and correlations, if required, to review.adoption@tea.texas.gov.

From	Laura Litton	Date	January 30, 2019										
Publisher	ThinkCERCA												
Subject Area	English Language Arts and Reading												
Grade Level(s) or Course(s)	6												
Proclamation Year	2019	Copyright Year											
Does this update change content used to demonstrate TEKS or ELPS coverage?	Yes - TEKS												
Program Title	ThinkCERCA, Texas Edition, Grade 6												
Program ISBN	9	7	8	0	9	9	9	8	5	6	1	3	0
Component Title	ThinkCERCA, Texas Edition, Grade 6												
Component ISBN	9	7	8	0	9	9	9	8	5	6	1	5	4

Provide a brief description of the proposed changes.

Reading selections and lesson instructions used to satisfy the TEKS will be updated. Changes described below detail those updates.

Preview of new content is accessible using links provided below and login credentials `texas_teacher@thinkcerca.com`, password `TexasThinkcerca`.

Submit by Email

Provide a side-by-side comparison between currently adopted content and proposed updated content. Include as much detail as possible.

	Currently Adopted Content	Proposed Update
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px; text-align: center;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px; text-align: center;">Remove Row (-)</div>	<p>For breakout (8)(E)(ii) analyze characteristics of argumentative text by explaining how the author uses various types of evidence to support the argument (Activity)</p> <p>Citation: What's a Wiz-Kid, Anyway? (Applied Lesson) See directions for Step 3: Engage with Text.</p> <p>https://texas.thinkcerca.com/lessons/16438/lesson_steps/3</p>	<p>New lesson: Yes to Uniforms: A Student's View (Applied Lesson) See directions for Step 3: Engage with Text.</p> <p>https://learn.thinkcerca.com/lessons/19705/lesson_steps/3</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px; text-align: center;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px; text-align: center;">Remove Row (-)</div>	<p>For breakout (8)(E)(v) analyze structures of argumentative text by explaining how the author uses various types of evidence to support the argument (Activity)</p> <p>Citation: What's a Wiz-Kid, Anyway? (Applied Lesson) See directions for Step 3: Engage with Text.</p> <p>https://texas.thinkcerca.com/lessons/16438/lesson_steps/3</p>	<p>For breakout (8)(E)(v) analyze structures of argumentative text by explaining how the author uses various types of evidence to support the argument (Activity)</p> <p>Citation: Yes to Uniforms: A Student's View (Applied Lesson) See directions for Step 3: Engage with Text.</p> <p>https://learn.thinkcerca.com/lessons/19705/lesson_steps/3</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px; text-align: center;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px; text-align: center;">Remove Row (-)</div>	<p>For breakout (11)(C)(i) compose multi-paragraph argumentative texts using genre characteristics. (Activity)</p> <p>Citation: The Human Hive (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://texas.thinkcerca.com/lessons/15966/lesson_steps/6</p>	<p>"Need help" text revised slightly.</p> <p>See The Human Hive (Applied Lesson) See directions for prompt in step 6. Click "Need help getting started?"</p> <p>https://learn.thinkcerca.com/lessons/19691/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px; text-align: center;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px; text-align: center;">Remove Row (-)</div>	<p>For breakout (11)(C)(ii) compose multi-paragraph argumentative texts using craft. (Activity)</p> <p>Citation: The Human Hive (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://texas.thinkcerca.com/lessons/15966/lesson_steps/6</p>	<p>"Need help" text revised slightly.</p> <p>See The Human Hive (Applied Lesson) See directions for prompt in step 6. Click "Need help getting started?"</p> <p>https://learn.thinkcerca.com/lessons/19691/lesson_steps/6</p>
	<p>For breakout (6)(G)(ii) write about the explicit or implicit meanings of text.(Activity)</p>	<p>New Lesson: "A Small Bird with Big Problems."</p>

Submit by Email

<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>Citation: Get Real (Applied Lesson) Step 4: Summarize. See directions for prompt.</p> <p>https://texas.thinkcerca.com/lessons/16262/lesson_steps/4</p>	<p>See Writing prompt, step 6:</p> <p>https://learn.thinkcerca.com/lessons/17963/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>For breakout (6)(C) (i) use text evidence to support an appropriate response (Activity)</p> <p>Citation: A Double Edged-Sword: The Automation of the Factory (Applied Lesson) See directions for Step 3: Engage with the Text.</p> <p>https://texas.thinkcerca.com/lessons/16993/lesson_steps/3</p> <p>Original text of portion affected: "Add notes about why the need for human labor has decreased."</p>	<p>See: A Double Edged-Sword: The Automation of the Factory (Applied Lesson) See directions for Step 3: Engage with the Text.</p> <p>https://learn.thinkcerca.com/lessons/19717/lesson_steps/3</p> <p>Instructions edited slightly: "Add notes about how this has impacted the need for human labor."</p>

The undersigned certifies that the materials included in this update request meet the applicable essential knowledge and skills, are free from factual errors, and comply with applicable accessibility and manufacturing standards. The undersigned further understands and agrees to supply the previous version of the state-adopted instructional material to school districts that choose to continue using the previous version during the duration of the original contract.

By completing the information below, you are signing this document electronically. You agree that your electronic signature is the equivalent of your manual signature.

Signature of Company Official	Laura Litton	 Digitally signed by Laura Litton Date: 2019.02.08 13:07:53 -06'00'
Title	Partnerships Enablement Manager	
Date Signed	Jan 30, 2019	

Proclamation 2019 Correlations to the Texas Essential Knowledge and Skills (TEKS): Student/Teacher Material										
Subject		Chapter 110. Texas Essential Knowledge and Skills for English Language Arts and Reading								
Subchapter		Subchapter B. Middle School								
Course		110.22. English Language Arts and Reading, Grade 6								
Publisher		ThinkCERCA								
Program Title		ThinkCERCA, Texas Edition, Grade 6								
Program ISBN		978-0-9998561-3-0								
TEKS %		94.00								
(a) Introduction.										
<p>(1) The English language arts and reading Texas Essential Knowledge and Skills (TEKS) embody the interconnected nature of listening, speaking, reading, writing, and thinking through the seven integrated strands of developing and sustaining foundational language skills; comprehension; response; multiple genres; author's purpose and craft; composition; and inquiry and research. The strands focus on academic oracy (proficiency in oral expression and comprehension), authentic reading, and reflective writing to ensure a literate Texas. The strands are integrated and progressive with students continuing to develop knowledge and skills with increased complexity and nuance in order to think critically and adapt to the ever-evolving nature of language and literacy.</p> <p>(2) The seven strands of the essential knowledge and skills for English language arts and reading are intended to be integrated for instructional purposes and are recursive in nature. Strands include the four domains of language (listening, speaking, reading, writing) and their application in order to accelerate the acquisition of language skills so that students develop high levels of social and academic language proficiency. Although some strands may require more instructional time, each strand is of equal value, and should be integrated throughout the year. Additionally, students should engage in academic conversations, write, read, and be read to on a daily basis with opportunities for cross-curricular content and student choice.</p> <p>(3) Text complexity increases with challenging vocabulary, sophisticated sentence structures, nuanced text features, cognitively demanding content, and subtle relationships among ideas (Texas Education Agency, STAAR Performance Level Descriptors, 2013). As skills and knowledge are obtained in each of the seven strands, students will continue to apply earlier standards with greater depth to increasingly complex texts in multiple genres as they become self-directed, critical learners who work collaboratively while continuously using metacognitive skills.</p>										
<p>(4) English language learners (ELLs) are expected to meet standards in a second language; however, their proficiency in English influences the ability to meet these standards. To demonstrate this knowledge throughout the stages of English language acquisition, comprehension of text requires additional scaffolds such as adapted text, translations, native language support, cognates, summaries, pictures, realia, glossaries, bilingual dictionaries, thesauri, and other modes of comprehensible input. ELLs can and should be encouraged to use knowledge of their first language to enhance vocabulary development; vocabulary needs to be in the context of connected discourse so that it is meaningful. Strategic use of the student's first language is important to ensure linguistic, affective, cognitive, and academic development in English.</p> <p>(5) Current research stresses the importance of effectively integrating second language acquisition with quality content area education in order to ensure that ELLs acquire social and academic language proficiency in English, learn the knowledge and skills, and reach their full academic potential. Instruction must be linguistically accommodated in accordance with the English Language Proficiency Standards (ELPS) and the student's English language proficiency levels to ensure the mastery of knowledge and skills in the required curriculum is accessible. For a further understanding of second language acquisition needs, refer to the ELPS and proficiency-level descriptors adopted in Chapter 74, Subchapter A, of this title (relating to Required Curriculum).</p> <p>(6) Oral language proficiency holds a pivotal role in school success; verbal engagement must be maximized across grade levels (Kinsella, 2010). In order for students to become thinkers and proficient speakers in science, social studies, mathematics, fine arts, language arts and reading, and career and technical education, they must have multiple opportunities to practice and apply the academic language of each discipline (Fisher, Frey, & Rothenberg, 2008).</p> <p>(7) 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.</p>										
(b) Knowledge and Skills.										
Knowledge and Skills Statement	Student Expectation	Breakout	Item Type	Citation Type	Component ISBN (Current)	Page (s) (Current)	Specific Location or Hyperlink to Location for Electronic Programs (Current)	Component ISBN (Proposed Update)	Page (s) (Proposed Update)	Specific Location or Hyperlink to Location for Electronic Programs (Proposed Update)
(6) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:	(C) use text evidence to support an appropriate response	(i) use text evidence to support an appropriate response	Student/Teacher	Activity	9780999856154	A Double Edged-Sword: The Automation of the Factory (Applied Lesson) See directions for Step 3: Engage with the Text.	https://texas.thinkcerca.com/lessons/16993/lesson_steps/3	9780999856154	A Double Edged-Sword: The Automation of the Factory (Applied Lesson) See directions for Step 3: Engage with the Text.	https://learn.thinkcerca.com/lessons/19717/lesson_steps/3
(6) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:	(G) discuss and write about the explicit or implicit meanings of text	(ii) write about the explicit or implicit meanings of text	Student/Teacher	Activity	9780999856154	Get Real (Applied Lesson) Step 4: Summarize. See directions for prompt.	https://texas.thinkcerca.com/lessons/16262/lesson_steps/4	9780999856154	New Lesson: "A Small Bird with Big Problems." See Writing prompt, step 6:	https://learn.thinkcerca.com/lessons/17963/lesson_steps/6
(8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts—genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:	(E) analyze characteristics and structures of argumentative text by: (i) identifying the claim; (ii) explaining how the author uses various types of evidence to support the argument; (iii) identifying the intended audience or reader	(ii) analyze characteristics of argumentative text by explaining how the author uses various types of evidence to support the argument	Student/Teacher	Activity	9780999856154	What's a Wiz-Kid, Anyway? (Applied Lesson) See directions for Step 3: Engage with Text.	https://texas.thinkcerca.com/lessons/16438/lesson_steps/3	9780999856154	New lesson: Yes to Uniforms: A Student's View (Applied Lesson) See directions for Step 3: Engage with Text.	https://learn.thinkcerca.com/lessons/19705/lesson_steps/3
(8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts—genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:	(E) analyze characteristics and structures of argumentative text by: (i) identifying the claim; (ii) explaining how the author uses various types of evidence to support the argument; (iii) identifying the intended audience or reader	(v) analyze structures of argumentative text by explaining how the author uses various types of evidence to support the argument	Student/Teacher	Activity	9780999856154	What's a Wiz-Kid, Anyway? (Applied Lesson) See directions for Step 3, engage with the text.	https://texas.thinkcerca.com/lessons/16438/lesson_steps/3	9780999856154	For breakout (8)(E)(v) analyze structures of argumentative text by explaining how the author uses various types of evidence to support the argument (Activity) Citation: Yes to Uniforms: A Student's View (Applied Lesson) See directions for Step 3: Engage with Text.	https://learn.thinkcerca.com/lessons/19705/lesson_steps/3
(11) Composition: listening, speaking, reading, writing, and thinking using multiple texts—genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. The student is expected to:	(C) compose multi-paragraph argumentative texts using genre characteristics and craft	(i) compose multi-paragraph argumentative texts using genre characteristics	Student/Teacher	Activity	9780999856154	The Human Hive (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/15966/lesson_steps/6	9780999856154	"Need help" text revised slightly. See The Human Hive (Applied Lesson) See directions for prompt in step 6. Click "Need help getting started?"	https://learn.thinkcerca.com/lessons/19691/lesson_steps/6

Knowledge and Skills Statement	Student Expectation	Breakout	Item Type	Citation Type	Component ISBN (Current)	Page (s) (Current)	Specific Location or Hyperlink to Location for Electronic Programs (Current)	Component ISBN (Proposed Update)	Page (s) (Proposed Update)	Specific Location or Hyperlink to Location for Electronic Programs (Proposed Update)
(11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. The student is expected to:	(C) compose multi-paragraph argumentative texts using genre characteristics and craft	(ii) compose multi-paragraph argumentative texts using craft	Student/Teacher	Activity	9780999856154	The Human Hive (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/15966/lesson_steps/6	9780999856154	"Need help" text revised slightly. See The Human Hive (Applied Lesson) See directions for prompt in step 6. Click "Need help getting started?"	https://learn.thinkcerca.com/lessons/19691/lesson_steps/6

Submit by Email

Publishers who wish to make changes to currently adopted instructional materials are required to submit a written request to TEA.

All updates to content used to determine the Texas Essential Knowledge and Skills (TEKS) coverage must be approved by the State Board of Education (SBOE) prior to their introduction into the material. All updates that do not involve content used to determine TEKS coverage must be approved by TEA. With prior TEA approval, publishers may, at any time, make changes that do not affect the content, such as technical enhancements or improvements.

The request must be accompanied by an electronic sample of the updated content. An updated *Correlation to the TEKS and ELPS* will be required if the update involves content used to determine TEKS coverage in the initial review.

Please refer to 19 Texas Administrative Code §66.75 for more information.

Please complete all required fields, and submit the form by clicking the Submit by Email button. Send the electronic sample and correlations, if required, to review.adoption@tea.texas.gov.

From	Laura Litton	Date	January 30, 2019										
Publisher	ThinkCERCA												
Subject Area	English Language Arts and Reading												
Grade Level(s) or Course(s)	7												
Proclamation Year	2019	Copyright Year	2018										
Does this update change content used to demonstrate TEKS or ELPS coverage?	Yes - TEKS												
Program Title	ThinkCERCA, Texas Edition, Grade 7												
Program ISBN	9	7	8	0	9	9	9	8	5	6	1	4	7
Component Title	ThinkCERCA, Texas Edition, Grade 7												
Component ISBN	9	7	8	0	9	9	9	8	5	6	1	6	1

Provide a brief description of the proposed changes.

Reading selections and lesson instructions used to satisfy the TEKS will be updated. Changes described below detail those updates.

Preview of new content is accessible using links provided below and login credentials `texas_teacher@thinkcerca.com`, password `TexasThinkcerca`.

Submit by Email

Provide a side-by-side comparison between currently adopted content and proposed updated content. Include as much detail as possible.

	Currently Adopted Content	Proposed Update
	(5) (E) (i) make connections to personal experiences; Activity	Lesson will be updated with a new anchor text and instructions.
Add Row (+)	Citation: Every applied lesson contains a "Connect" step. For example, Voices of the Few (Applied Lesson), Step 1:Connect	See: How a Trip to Antarctica Became a Real-Life Experiment in Decision Making (Applied Lesson), Step 1: Connect
Remove Row (-)	https://texas.thinkcerca.com/lessons/15965/lesson_steps/1	https://learn.thinkcerca.com/lessons/19684/lesson_steps/1
	(6)(C) (i) use text evidence to support an appropriate response; Activity	Lesson will be updated with a new anchor text and instructions.
Add Row (+)	Citation: Voices of the Few (Applied Lesson) See directions for Step 3: Engage with the Text.	See: How a Trip to Antarctica Became a Real-Life Experiment in Decision Making (Applied Lesson), See directions for Step 3: Engage with the Text.
Remove Row (-)	https://texas.thinkcerca.com/lessons/15965/lesson_steps/3	https://learn.thinkcerca.com/lessons/19684/lesson_steps/3
	(6)(D)(iii) summarize texts in ways that maintain meaning; Activity	Lesson will be updated with a new anchor text and instructions.
Add Row (+)	Citation: Voices of the Few (Applied Lesson) Step 4: Summarize. See directions for prompt.	See: How a Trip to Antarctica Became a Real-Life Experiment in Decision Making (Applied Lesson), Step 4: Summarize. See directions for prompt.
Remove Row (-)	https://texas.thinkcerca.com/lessons/15965/lesson_steps/4	https://learn.thinkcerca.com/lessons/19684/lesson_steps/4
	(6)(D)(iv) summarize texts in ways that maintain logical order; Activity	Lesson will be updated with a new anchor text and instructions.
Add Row (+)	Citation: Voices of the Few (Applied Lesson) Step 4: Summarize. See directions for prompt.	See: How a Trip to Antarctica Became a Real-Life Experiment in Decision Making (Applied Lesson), Step 4: Summarize. See directions for prompt.
Remove Row (-)	https://texas.thinkcerca.com/lessons/15965/lesson_steps/4	https://learn.thinkcerca.com/lessons/19684/lesson_steps/4
	(6)(E)(i) interact with sources in meaningful ways; Activity	Text provided in "Need help getting started" will be revised to better support multiple arguments.

Submit by Email

<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://texas.thinkcerca.com/lessons/18476/lesson_steps/6</p>	<p>See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/20062/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>(10)(B)(vi) develop drafts into a focused piece of writing by developing an engaging idea reflecting depth of thought with specific facts; Activity</p> <p>Uniform or Dress Codes: There's a Difference (Applied Lesson). See directions for prompt. Click "Need Help for Getting Started."</p> <p>https://texas.thinkcerca.com/lessons/15828/lesson_steps/6</p>	<p>Text provided in "Need help getting started" will be revised to better support multiple arguments.</p> <p>See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/20062/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>(10)(B)(vii) develop drafts into a focused piece of writing by developing an engaging idea reflecting depth of thought with specific details; Activity</p> <p>Uniform or Dress Codes: There's a Difference (Applied Lesson). See directions for prompt. Click "Need Help for Getting Started."</p> <p>https://texas.thinkcerca.com/lessons/15828/lesson_steps/6</p>	<p>Text provided in "Need help getting started" will be revised to better support multiple arguments.</p> <p>See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/20062/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>(10)(B)(viii) develop drafts into a focused piece of writing by developing an engaging idea reflecting depth of thought with specific examples; Activity</p> <p>Uniform or Dress Codes: There's a Difference (Applied Lesson). See directions for prompt. Click "Need Help for Getting Started."</p> <p>https://texas.thinkcerca.com/lessons/15828/lesson_steps/6</p>	<p>Text provided in "Need help getting started" will be revised to better support multiple arguments.</p> <p>See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/20062/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>(10)(B)(xv) develop drafts into a structured piece of writing by developing an engaging idea reflecting depth of thought with specific details</p> <p>Uniform or Dress Codes: There's a Difference (Applied Lesson). See directions for prompt. Click "Need Help for Getting Started."</p> <p>https://texas.thinkcerca.com/lessons/15828/lesson_steps/6</p>	<p>Text provided in "Need help getting started" will be revised to better support multiple arguments.</p> <p>See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/20062/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>(10)(B)(xvi) develop drafts into a structured piece of writing by developing an engaging idea reflecting</p>	<p>Text provided in "Need help getting started" will be revised to better support multiple arguments.</p>

Submit by Email

<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>depth of thought with specific examples; Activity</p> <p>Uniform or Dress Codes: There's a Difference (Applied Lesson). See directions for prompt. Click "Need Help for Getting Started."</p> <p>https://texas.thinkcerca.com/lessons/15828/lesson_steps/6</p>	<p>See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/20062/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>(10)(B)(xxii) develop drafts into a coherent piece of writing by developing an engaging idea reflecting depth of thought with specific facts; Activity</p> <p>Uniform or Dress Codes: There's a Difference (Applied Lesson). See directions for prompt. Click "Need Help for Getting Started."</p> <p>https://texas.thinkcerca.com/lessons/15828/lesson_steps/6</p>	<p>Text provided in "Need help getting started" will be revised to better support multiple arguments.</p> <p>See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/20062/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>(10)(B)(xxiii) develop drafts into a coherent piece of writing by developing an engaging idea reflecting depth of thought with specific details; Activity</p> <p>Uniform or Dress Codes: There's a Difference (Applied Lesson). See directions for prompt. Click "Need Help for Getting Started."</p> <p>https://texas.thinkcerca.com/lessons/15828/lesson_steps/6</p>	<p>Text provided in "Need help getting started" will be revised to better support multiple arguments.</p> <p>See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/20062/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>(10)(B)(xxiv) develop drafts into a coherent piece of writing by developing an engaging idea reflecting depth of thought with specific examples; Activity</p> <p>Uniform or Dress Codes: There's a Difference (Applied Lesson). See directions for prompt. Click "Need Help for Getting Started."</p> <p>https://texas.thinkcerca.com/lessons/15828/lesson_steps/6</p>	<p>Text provided in "Need help getting started" will be revised to better support multiple arguments.</p> <p>See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/20062/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>(11)(C)(ii) compose multi-paragraph argumentative texts using craft; Activity</p> <p>Uniform or Dress Codes: There's a Difference (Applied Lesson). See directions for prompt. Click "Need Help for Getting Started."</p> <p>https://texas.thinkcerca.com/lessons/15828/lesson_steps/6</p>	<p>Text provided in "Need help getting started" will be revised to better support multiple arguments.</p> <p>See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/20062/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>(8)(F)(ii) analyze characteristics of digital texts; Activity</p>	<p>Lesson will be updated with new anchor text and instructions.</p>

Submit by Email

<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>Citation: Why Teens Should Be On Social Media (Applied Lessons) See directions for Step 3: Engage with the Text.</p> <p>https://texas.thinkcerca.com/teacher/library/lessons/16861</p>	<p>See: How Girls are Seeking (and Subverting) Online Approval (Applied Lessons). See directions for Step 3: Engage with the Text.</p> <p>https://learn.thinkcerca.com/lessons/20092/lesson_steps/3</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>(11)(C)(i) compose multi-paragraph argumentative texts using genre characteristics; Activity</p> <p>Uniform or Dress Codes: There's a Difference (Applied Lesson). See directions for prompt. Click "Need Help for Getting Started."</p> <p>https://texas.thinkcerca.com/lessons/15828/lesson_steps/6</p>	<p>Text provided in "Need help getting started" will be revised to better support multiple arguments.</p> <p>See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/20062/lesson_steps/6</p>

The undersigned certifies that the materials included in this update request meet the applicable essential knowledge and skills, are free from factual errors, and comply with applicable accessibility and manufacturing standards. The undersigned further understands and agrees to supply the previous version of the state-adopted instructional material to school districts that choose to continue using the previous version during the duration of the original contract.

By completing the information below, you are signing this document electronically. You agree that your electronic signature is the equivalent of your manual signature.

Signature of Company Official	632192797692688931	Digitally signed by 632192797692688931 Date: 2019.01.30 20:21:38 -06'00'
Title	Partnerships Enablement Manager	
Date Signed	Jan 30, 2019	

Proclamation 2019 Correlations to the Texas Essential Knowledge and Skills (TEKS): Student/Teacher Material										
Subject	Chapter 110. Texas Essential Knowledge and Skills for English Language Arts and Reading									
Subchapter	Subchapter B. Middle School									
Course	110.23. English Language Arts and Reading, Grade 7									
Publisher	ThinkCERCA									
Program Title	ThinkCERCA, Texas Edition, Grade 7									
Program ISBN	9780999856147									
TEKS %	94.00									
(a) Introduction.										
<p>(1) The English language arts and reading Texas Essential Knowledge and Skills (TEKS) embody the interconnected nature of listening, speaking, reading, writing, and thinking through the seven integrated strands of developing and sustaining foundational language skills; comprehension; response; multiple genres; author's purpose and craft; composition; and inquiry and research. The strands focus on academic oracy (proficiency in oral expression and comprehension), authentic reading, and reflective writing to ensure a literate Texas. The strands are integrated and progressive with students continuing to develop knowledge and skills with increased complexity and nuance in order to think critically and adapt to the ever-evolving nature of language and literacy.</p> <p>(2) The seven strands of the essential knowledge and skills for English language arts and reading are intended to be integrated for instructional purposes and are recursive in nature. Strands include the four domains of language (listening, speaking, reading, writing) and their application in order to accelerate the acquisition of language skills so that students develop high levels of social and academic language proficiency. Although some strands may require more instructional time, each strand is of equal value, may be presented in any order, and should be integrated throughout the year. Additionally, students should engage in academic conversations, write, read, and be read to on a daily basis with opportunities for cross-curricular content and student choice.</p> <p>(3) Text complexity increases with challenging vocabulary, sophisticated sentence structures, nuanced text features, cognitively demanding content, and subtle relationships among ideas (Texas Education Agency, STAAR Performance Level Descriptors, 2013). As skills and knowledge are obtained in each of the seven strands, students will continue to apply earlier standards with greater depth to increasingly complex texts in multiple genres as they become self-directed, critical learners who work collaboratively while continuously using metacognitive skills.</p>										
<p>(4) English language learners (ELLs) are expected to meet standards in a second language; however, their proficiency in English influences the ability to meet these standards. To demonstrate this knowledge throughout the stages of English language acquisition, comprehension of text requires additional scaffolds such as adapted text, translations, native language support, cognates, summaries, pictures, realia, glossaries, bilingual dictionaries, thesauri, and other modes of comprehensible input. ELLs can and should be encouraged to use knowledge of their first language to enhance vocabulary development; vocabulary needs to be in the context of connected discourse so that it is meaningful. Strategic use of the student's first language is important to ensure linguistic, affective, cognitive, and academic development in English.</p> <p>(5) Current research stresses the importance of effectively integrating second language acquisition with quality content area education in order to ensure that ELLs acquire social and academic language proficiency in English, learn the knowledge and skills, and reach their full academic potential. Instruction must be linguistically accommodated in accordance with the English Language Proficiency Standards (ELPS) and the student's English language proficiency levels to ensure the mastery of knowledge and skills in the required curriculum is accessible. For a further understanding of second language acquisition needs, refer to the ELPS and proficiency-level descriptors adopted in Chapter 74, Subchapter A, of this title (relating to Required Curriculum).</p> <p>(6) Oral language proficiency holds a pivotal role in school success; verbal engagement must be maximized across grade levels (Kinsella, 2010). In order for students to become thinkers and proficient speakers in science, social studies, mathematics, fine arts, language arts and reading, and career and technical education, they must have multiple opportunities to practice and apply the academic language of each discipline (Fisher, Frey, & Rothenberg, 2008).</p> <p>(7) 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.</p>										
(b) Knowledge and Skills.										
Knowledge and Skills Statement	Student Expectation	Breakout	Item Type	Citation Type	Component ISBN (Current)	Page (s) (Current)	Specific Location or Hyperlink to Location for Electronic Programs (Current)	Component ISBN (Proposed Update)	Page (s) (Proposed Update)	Specific Location or Hyperlink to Location for Electronic Programs (Proposed Update)
(5) Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:	(E) make connections to personal experiences, ideas in other texts, and society	(i) make connections to personal experiences	Student/Teacher	Activity	9780999856161	Every applied lesson contains a "Connect" step. For example, Voices of the Few (Applied Lesson), Step 1:Connect	https://texas.thinkcerca.com/lessons/15965/lesson_steps/1	9780999856161	Lesson will be updated with a new anchor text and instructions. See: How a Trip to Antarctica Became a Real-Life Experiment in Decision Making (Applied Lesson), Step 1: Connect	https://learn.thinkcerca.com/lessons/19684/lesson_steps/1
(6) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:	(C) use text evidence to support an appropriate response	(i) use text evidence to support an appropriate response	Student/Teacher	Activity	9780999856161	Voices of the Few (Applied Lesson) See directions for Step 3. Engage with the Text.	https://texas.thinkcerca.com/lessons/15965/lesson_steps/3	9780999856161	Lesson will be updated with a new anchor text and instructions. See: How a Trip to Antarctica Became a Real-Life Experiment in Decision Making (Applied Lesson), See directions for Step 3: Engage with the Text.	https://learn.thinkcerca.com/lessons/19684/lesson_steps/3
(6) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:	(D) paraphrase and summarize texts in ways that maintain meaning and logical order	(iii) summarize texts in ways that maintain meaning	Student/Teacher	Activity	9780999856161	Voices of the Few (Applied Lesson) Step 4: Summarize. See directions for prompt.	https://texas.thinkcerca.com/lessons/15965/lesson_steps/4	9780999856161	Lesson will be updated with a new anchor text and instructions. See: How a Trip to Antarctica Became a Real-Life Experiment in Decision Making (Applied Lesson), Step 4: Summarize. See directions for prompt.	https://learn.thinkcerca.com/lessons/19684/lesson_steps/4
(6) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:	(D) paraphrase and summarize texts in ways that maintain meaning and logical order	(iv) summarize texts in ways that maintain logical order	Student/Teacher	Activity	9780999856161	Voices of the Few (Applied Lesson) Step 4: Summarize. See prompt for directions.	https://texas.thinkcerca.com/lessons/15965/lesson_steps/4	9780999856161	Lesson will be updated with a new anchor text and instructions. See: How a Trip to Antarctica Became a Real-Life Experiment in Decision Making (Applied Lesson), Step 4: Summarize. See directions for prompt.	https://learn.thinkcerca.com/lessons/19684/lesson_steps/4

Knowledge and Skills Statement	Student Expectation	Breakout	Item Type	Citation Type	Component ISBN (Current)	Page (s) (Current)	Specific Location or Hyperlink to Location for Electronic Programs (Current)	Component ISBN (Proposed Update)	Page (s) (Proposed Update)	Specific Location or Hyperlink to Location for Electronic Programs (Proposed Update)
(6) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:	(E) interact with sources in meaningful ways such as notetaking, annotating, freewriting, or illustrating	(i) interact with sources in meaningful ways	Student/Teacher	Activity	9780999856161	Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/18476/lessons_steps/6	9780999856161	Text provided in "Need help getting started" will be revised to better support multiple arguments. See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/20062/lessons_steps/6
(8) Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:	(F) analyze characteristics of multimodal and digital texts	(ii) analyze characteristics of digital texts	Student/Teacher	Activity	9780999856161	Why Teens Should Be On Social Media (Applied Lessons) See directions for Step 3: Engage with the Text.	https://texas.thinkcerca.com/teacher/library/lessons/16861	9780999856161	Lesson will be updated with new anchor text and instructions. See: How Girls are Seeking (and Subverting) Online Approval (Applied Lessons). See directions for Step 3: Engage with the Text.	https://learn.thinkcerca.com/lessons/20092/lessons_steps/3
(10) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:	(B) develop drafts into a focused, structured, and coherent piece of writing by: (i) organizing with purposeful structure, including an introduction, transitions, coherence within and across paragraphs, and a conclusion; and (ii) developing an engaging idea reflecting depth of thought with specific facts, details, and examples □	(vi) develop drafts into a focused piece of writing by developing an engaging idea reflecting depth of thought with specific facts	Student/Teacher	Activity	9780999856161	Uniform or Dress Codes: There's a Difference--Applied Lesson. See directions for prompt. Click "Need Help for Getting Started."	https://texas.thinkcerca.com/lessons/15828/lessons_steps/6	9780999856161	Text provided in "Need help getting started" will be revised to better support multiple arguments. See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/20062/lessons_steps/6
(10) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:	(B) develop drafts into a focused, structured, and coherent piece of writing by: (i) organizing with purposeful structure, including an introduction, transitions, coherence within and across paragraphs, and a conclusion; and (ii) developing an engaging idea reflecting depth of thought with specific facts, details, and examples □	(vii) develop drafts into a focused piece of writing by developing an engaging idea reflecting depth of thought with specific details	Student/Teacher	Activity	9780999856161	Uniform or Dress Codes: There's a Difference--Applied Lesson. See directions for prompt. Click "Need Help for Getting Started."	https://texas.thinkcerca.com/lessons/15828/lessons_steps/6	9780999856161	Text provided in "Need help getting started" will be revised to better support multiple arguments. See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/20062/lessons_steps/6
(10) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:	(B) develop drafts into a focused, structured, and coherent piece of writing by: (i) organizing with purposeful structure, including an introduction, transitions, coherence within and across paragraphs, and a conclusion; and (ii) developing an engaging idea reflecting depth of thought with specific facts, details, and examples □	(viii) develop drafts into a focused piece of writing by developing an engaging idea reflecting depth of thought with specific examples	Student/Teacher	Activity	9780999856161	Uniform or Dress Codes: There's a Difference--Applied Lesson. See directions for prompt. Click "Need Help for Getting Started."	https://texas.thinkcerca.com/lessons/15828/lessons_steps/6	9780999856161	Text provided in "Need help getting started" will be revised to better support multiple arguments. See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/20062/lessons_steps/6
(10) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:	(B) develop drafts into a focused, structured, and coherent piece of writing by: (i) organizing with purposeful structure, including an introduction, transitions, coherence within and across paragraphs, and a conclusion; and (ii) developing an engaging idea reflecting depth of thought with specific facts, details, and examples □	(xv) develop drafts into a structured piece of writing by developing an engaging idea reflecting depth of thought with specific details	Student/Teacher	Activity	9780999856161	Uniform or Dress Codes: There's a Difference (Applied Lesson) See directions for prompt. Click "Need Help for Getting Started."	https://texas.thinkcerca.com/lessons/15828/lessons_steps/6	9780999856161	Text provided in "Need help getting started" will be revised to better support multiple arguments. See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/20062/lessons_steps/6
(10) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:	(B) develop drafts into a focused, structured, and coherent piece of writing by: (i) organizing with purposeful structure, including an introduction, transitions, coherence within and across paragraphs, and a conclusion; and (ii) developing an engaging idea reflecting depth of thought with specific facts, details, and examples □	(xvi) develop drafts into a structured piece of writing by developing an engaging idea reflecting depth of thought with specific examples	Student/Teacher	Activity	9780999856161	Uniform or Dress Codes: There's a Difference (Applied Lesson) See directions for prompt. Click "Need Help for Getting Started."	https://texas.thinkcerca.com/lessons/15828/lessons_steps/6	9780999856161	Text provided in "Need help getting started" will be revised to better support multiple arguments. See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/20062/lessons_steps/6

Knowledge and Skills Statement	Student Expectation	Breakout	Item Type	Citation Type	Component ISBN (Current)	Page (s) (Current)	Specific Location or Hyperlink to Location for Electronic Programs (Current)	Component ISBN (Proposed Update)	Page (s) (Proposed Update)	Specific Location or Hyperlink to Location for Electronic Programs (Proposed Update)
(10) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:	(B) develop drafts into a focused, structured, and coherent piece of writing by: (i) organizing with purposeful structure, including an introduction, transitions, coherence within and across paragraphs, and a conclusion; and (ii) developing an engaging idea reflecting depth of thought with specific facts, details, and examples □	(xxii) develop drafts into a coherent piece of writing by developing an engaging idea reflecting depth of thought with specific facts	Student/Teacher	Activity	9780999856161	Uniform or Dress Codes: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/15828/lesson_steps/6	9780999856161	Text provided in "Need help getting started" will be revised to better support multiple arguments. See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/20062/lesson_steps/6
(10) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:	(B) develop drafts into a focused, structured, and coherent piece of writing by: (i) organizing with purposeful structure, including an introduction, transitions, coherence within and across paragraphs, and a conclusion; and (ii) developing an engaging idea reflecting depth of thought with specific facts, details, and examples □	(xxiii) develop drafts into a coherent piece of writing by developing an engaging idea reflecting depth of thought with specific details	Student/Teacher	Activity	9780999856161	Uniform or Dress Codes: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/15828/lesson_steps/6	9780999856161	Text provided in "Need help getting started" will be revised to better support multiple arguments. See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/20062/lesson_steps/6
(10) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:	(B) develop drafts into a focused, structured, and coherent piece of writing by: (i) organizing with purposeful structure, including an introduction, transitions, coherence within and across paragraphs, and a conclusion; and (ii) developing an engaging idea reflecting depth of thought with specific facts, details, and examples □	(xxiv) develop drafts into a coherent piece of writing by developing an engaging idea reflecting depth of thought with specific examples	Student/Teacher	Activity	9780999856161	Uniform or Dress Codes: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/15828/lesson_steps/6	9780999856161	Text provided in "Need help getting started" will be revised to better support multiple arguments. See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/20062/lesson_steps/6
(11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. The student is expected to:	(C) compose multi-paragraph argumentative texts using genre characteristics and craft	(i) compose multi-paragraph argumentative texts using genre characteristics	Student/Teacher	Activity	9780999856161	Uniform or Dress Codes: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/15828/lesson_steps/6	9780999856161	Text provided in "Need help getting started" will be revised to better support multiple arguments. See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/20062/lesson_steps/6
(11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. The student is expected to:	(C) compose multi-paragraph argumentative texts using genre characteristics and craft	(ii) compose multi-paragraph argumentative texts using craft	Student/Teacher	Activity	9780999856161	Uniform or Dress Codes: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/15828/lesson_steps/6	9780999856161	Text provided in "Need help getting started" will be revised to better support multiple arguments. See Uniform or Dress Code: There's a Difference (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/20062/lesson_steps/6

Submit by Email

Publishers who wish to make changes to currently adopted instructional materials are required to submit a written request to TEA.

All updates to content used to determine the Texas Essential Knowledge and Skills (TEKS) coverage must be approved by the State Board of Education (SBOE) prior to their introduction into the material. All updates that do not involve content used to determine TEKS coverage must be approved by TEA. With prior TEA approval, publishers may, at any time, make changes that do not affect the content, such as technical enhancements or improvements.

The request must be accompanied by an electronic sample of the updated content. An updated *Correlation to the TEKS and ELPS* will be required if the update involves content used to determine TEKS coverage in the initial review.

Please refer to 19 Texas Administrative Code §66.75 for more information.

Please complete all required fields, and submit the form by clicking the Submit by Email button. Send the electronic sample and correlations, if required, to review.adoption@tea.texas.gov.

From	Laura Litton	Date	January 30, 2019										
Publisher	ThinkCERCA												
Subject Area	English Language Arts and Reading												
Grade Level(s) or Course(s)	8												
Proclamation Year	2019	Copyright Year	2018										
Does this update change content used to demonstrate TEKS or ELPS coverage?	Yes - TEKS												
Program Title	ThinkCERCA, Texas Edition, Grade 8												
Program ISBN	9	7	8	0	9	9	9	8	5	6	1	7	8
Component Title	ThinkCERCA, Texas Edition, Grade 8												
Component ISBN	9	7	8	0	9	9	9	8	5	6	1	8	5

Provide a brief description of the proposed changes.

Reading selections and lesson instructions used to satisfy the TEKS will be updated. Changes described below detail those updates.

Preview of new content is accessible using links provided below and login credentials `texas_teacher@thinkcerca.com`, password `TexasThinkcerca`.

Submit by Email

Provide a side-by-side comparison between currently adopted content and proposed updated content. Include as much detail as possible.

	Currently Adopted Content	Proposed Update
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px; text-align: center;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px; text-align: center;">Remove Row (-)</div>	<p>(10)(B)(vii) develop drafts into a focused piece of writing by developing an engaging idea reflecting depth of thought with specific details (Activity)</p> <p>Citation: Can Machines Learn Morality? (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://texas.thinkcerca.com/lessons/16884/lesson_steps/6</p>	<p>Lesson will be updated with a new anchor text and instructions.</p> <p>See Self-Flying Planes May Arrive Sooner Than You Think. Here's Why (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/19712/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px; text-align: center;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px; text-align: center;">Remove Row (-)</div>	<p>(10)(B)(viii) develop drafts into a focused piece of writing by developing an engaging idea reflecting depth of thought with specific examples (Activity)</p> <p>Citation: Can Machines Learn Morality? (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://texas.thinkcerca.com/lessons/16884/lesson_steps/6</p>	<p>Lesson will be updated with a new anchor text and instructions.</p> <p>See Self-Flying Planes May Arrive Sooner Than You Think. Here's Why (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/19712/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px; text-align: center;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px; text-align: center;">Remove Row (-)</div>	<p>(10)(B)(xiv) develop drafts into a structured piece of writing by developing an engaging idea reflecting depth of thought with specific facts (Activity)</p> <p>Citation: Can Machines Learn Morality? (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://texas.thinkcerca.com/lessons/16884/lesson_steps/6</p>	<p>Lesson will be updated with a new anchor text and instructions.</p> <p>See Self-Flying Planes May Arrive Sooner Than You Think. Here's Why (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/19712/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px; text-align: center;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px; text-align: center;">Remove Row (-)</div>	<p>(10)(B)(xv) develop drafts into a structured piece of writing by developing an engaging idea reflecting depth of thought with specific details (Activity)</p> <p>Citation: Can Machines Learn Morality? (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://texas.thinkcerca.com/lessons/16884/lesson_steps/6</p>	<p>Lesson will be updated with a new anchor text and instructions.</p> <p>See Self-Flying Planes May Arrive Sooner Than You Think. Here's Why (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/19712/lesson_steps/6</p>
	<p>(10)(B)(xvi) develop drafts into a structured piece of writing by developing an engaging idea reflecting</p>	<p>Lesson will be updated with a new anchor text and instructions.</p>

Submit by Email

	<p>depth of thought with specific examples (Activity)</p>	
Add Row (+)	<p>Citation: Can Machines Learn Morality? (Applied Lesson) See directions for prompt. Click "Need help getting started."</p>	<p>See Self-Flying Planes May Arrive Sooner Than You Think. Here's Why (Applied Lesson) See directions for prompt. Click "Need help getting started."</p>
Remove Row (-)		
	<p>https://texas.thinkcerca.com/lessons/16884/lesson_steps/6</p>	<p>https://learn.thinkcerca.com/lessons/19712/lesson_steps/6</p>
	<p>(10)(B)(xxii) develop drafts into a coherent piece of writing by developing an engaging idea reflecting depth of thought with specific facts (Activity)</p>	<p>Lesson will be updated with a new anchor text and instructions.</p>
Add Row (+)	<p>Citation: Can Machines Learn Morality? (Applied Lesson) See directions for prompt. Click "Need help getting started."</p>	<p>See Self-Flying Planes May Arrive Sooner Than You Think. Here's Why (Applied Lesson) See directions for prompt. Click "Need help getting started."</p>
Remove Row (-)		
	<p>https://texas.thinkcerca.com/lessons/16884/lesson_steps/6</p>	<p>https://learn.thinkcerca.com/lessons/19712/lesson_steps/6</p>
	<p>(10)(B)(xxiii) develop drafts into a coherent piece of writing by developing an engaging idea reflecting depth of thought with specific details (Activity)</p>	<p>Lesson will be updated with a new anchor text and instructions.</p>
Add Row (+)	<p>Citation: Can Machines Learn Morality? (Applied Lesson) See directions for prompt. Click "Need help getting started."</p>	<p>See Self-Flying Planes May Arrive Sooner Than You Think. Here's Why (Applied Lesson) See directions for prompt. Click "Need help getting started."</p>
Remove Row (-)		
	<p>https://texas.thinkcerca.com/lessons/16884/lesson_steps/6</p>	<p>https://learn.thinkcerca.com/lessons/19712/lesson_steps/6</p>
	<p>(10)(B)(xxiv) develop drafts into a coherent piece of writing by developing an engaging idea reflecting depth of thought with specific examples (Activity)</p>	<p>Lesson will be updated with a new anchor text and instructions.</p>
Add Row (+)	<p>Citation: Can Machines Learn Morality? (Applied Lesson) See directions for prompt. Click "Need help getting started."</p>	<p>See Self-Flying Planes May Arrive Sooner Than You Think. Here's Why (Applied Lesson) See directions for prompt. Click "Need help getting started."</p>
Remove Row (-)		
	<p>https://texas.thinkcerca.com/lessons/16884/lesson_steps/6</p>	<p>https://learn.thinkcerca.com/lessons/19712/lesson_steps/6</p>
	<p>(6)(G)(ii) write about the explicit or implicit meanings of text (Activity)</p>	<p>Lesson will be updated with a new anchor text and instructions.</p>
Add Row (+)	<p>Citation: Bill Gates and Steve Jobs (Applied Lesson) Step 4: Summarize. See directions for prompt.</p>	<p>See This startup wants to end world hunger with solar-powered irrigation (Applied Lesson) Step 4: Summarize. See directions for prompt.</p>
Remove Row (-)		
	<p>https://texas.thinkcerca.com/lessons/16090/lesson_steps/4</p>	<p>https://learn.thinkcerca.com/lessons/19474/lesson_steps/4</p>
	<p>(6)(J)(i) defend or challenge the authors' claims using relevant text evidence (Activity)</p>	<p>New lesson: More Evidence That Soda Taxes Cut Soda Drinking (Applied Lesson) See directions for</p>

Submit by Email

<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>Citation: Words Can Hurt You (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://texas.thinkcerca.com/lessons/16190/lesson_steps/6</p>	<p>prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/20038/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>(11)(C)(i) compose multi-paragraph argumentative texts using genre characteristics (Activity)</p> <p>Citation: The Age of Social Media (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://texas.thinkcerca.com/lessons/15893/lesson_steps/6</p>	<p>Anchor text and instructions will be revised.</p> <p>See: Mental Health Risks to Girls Who Spend More Than an Hour a Day on Social Media — New Study (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/20090/lesson_steps/6</p>
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">Add Row (+)</div> <div style="border: 1px solid black; padding: 2px;">Remove Row (-)</div>	<p>(11)(C)(ii) compose multi-paragraph argumentative texts using craft (Activity)</p> <p>Citation: The Age of Social Media (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://texas.thinkcerca.com/lessons/15893/lesson_steps/6</p>	<p>Anchor text and instructions will be revised.</p> <p>See: Mental Health Risks to Girls Who Spend More Than an Hour a Day on Social Media — New Study (Applied Lesson) See directions for prompt. Click "Need help getting started."</p> <p>https://learn.thinkcerca.com/lessons/20090/lesson_steps/6</p>

The undersigned certifies that the materials included in this update request meet the applicable essential knowledge and skills, are free from factual errors, and comply with applicable accessibility and manufacturing standards. The undersigned further understands and agrees to supply the previous version of the state-adopted instructional material to school districts that choose to continue using the previous version during the duration of the original contract.

By completing the information below, you are signing this document electronically. You agree that your electronic signature is the equivalent of your manual signature.

Signature of Company Official	632192797692688931	Digitally signed by 632192797692688931 Date: 2019.01.30 20:20:41 -06'00'
Title	Partnerships Enablement Manager	
Date Signed	Jan 30, 2019	

Proclamation 2019 Correlations to the Texas Essential Knowledge and Skills (TEKS): Student/Teacher Material										
Subject	Chapter 110. Texas Essential Knowledge and Skills for English Language Arts and Reading									
Subchapter	Subchapter B. Middle School									
Course	110.24. English Language Arts and Reading, Grade 8									
Publisher	ThinkCERCA									
Program Title	ThinkCERCA, Texas Edition, Grade 8									
Program ISBN	978099985618									
TEKS %	94.00									
(a) Introduction.										
<p>(1) The English language arts and reading Texas Essential Knowledge and Skills (TEKS) embody the interconnected nature of listening, speaking, reading, writing, and thinking through the seven integrated strands of developing and sustaining foundational language skills; comprehension; response; multiple genres; author's purpose and craft; composition; and inquiry and research. The strands focus on academic oracy (proficiency in oral expression and comprehension), authentic reading, and reflective writing to ensure a literate Texas. The strands are integrated and progressive with students continuing to develop knowledge and skills with increased complexity and nuance in order to think critically and adapt to the ever-evolving nature of language and literacy.</p> <p>(2) The seven strands of the essential knowledge and skills for English language arts and reading are intended to be integrated for instructional purposes and are recursive in nature. Strands include the four domains of language (listening, speaking, reading, writing) and their application in order to accelerate the acquisition of language skills so that students develop high levels of social and academic language proficiency. Although some strands may require more instructional time, each strand is of equal value, may be presented in any order, and should be integrated throughout the year. Additionally, students should engage in academic conversations, write, read, and be read to on a daily basis with opportunities for cross-curricular content and student choice.</p> <p>(3) Text complexity increases with challenging vocabulary, sophisticated sentence structures, nuanced text features, cognitively demanding content, and subtle relationships among ideas (Texas Education Agency, STAAR Performance Level Descriptors, 2013). As skills and knowledge are obtained in each of the seven strands, students will continue to apply earlier standards with greater depth to increasingly complex texts in multiple genres as they become self-directed, critical learners who work collaboratively while continuously using metacognitive skills.</p>										
<p>(4) English language learners (ELLs) are expected to meet standards in a second language; however, their proficiency in English influences the ability to meet these standards. To demonstrate this knowledge throughout the stages of English language acquisition, comprehension of text requires additional scaffolds such as adapted text, translations, native language support, cognates, summaries, pictures, realia, glossaries, bilingual dictionaries, thesauri, and other modes of comprehensible input. ELLs can and should be encouraged to use knowledge of their first language to enhance vocabulary development, vocabulary needs to be in the context of connected discourse so that it is meaningful. Strategic use of the student's first language is important to ensure linguistic, affective, cognitive, and academic development in English.</p> <p>(5) Current research stresses the importance of effectively integrating second language acquisition with quality content area education in order to ensure that ELLs acquire social and academic language proficiency in English, learn the knowledge and skills, and reach their full academic potential. Instruction must be linguistically accommodated in accordance with the English Language Proficiency Standards (ELPS) and the student's English language proficiency levels to ensure the mastery of knowledge and skills in the required curriculum is accessible. For a further understanding of second language acquisition needs, refer to the ELPS and proficiency-level descriptors adopted in Chapter 74, Subchapter A, of this title (relating to Required Curriculum).</p> <p>(6) Oral language proficiency holds a pivotal role in school success; verbal engagement must be maximized across grade levels (Kinsella, 2010). In order for students to become thinkers and proficient speakers in science, social studies, mathematics, fine arts, language arts and reading, and career and technical education, they must have multiple opportunities to practice and apply the academic language of each discipline (Fisher, Frey, & Rothenberg, 2008).</p> <p>(7) 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.</p>										
(b) Knowledge and Skills.										
Knowledge and Skills Statement	Student Expectation	Breakout	Item Type	Citation Type	Component ISBN (Current)	Page (s) (Current)	Specific Location or Hyperlink to Location for Electronic Programs (Current)	Component ISBN (Proposed Update)	Page (s) (Proposed Update)	Specific Location or Hyperlink to Location for Electronic Programs (Proposed Update)
(6) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:	(G) discuss and write about the explicit or implicit meanings of text	(ii) write about the explicit or implicit meanings of text	Student/Teacher	Activity	9780999856185	Bill Gates and Steve Jobs (Applied Lesson) Step 4: Summarize. See directions for prompt.	https://texas.thinkcerca.com/lessons/16090/lesson_steps/4	9780999856185	Lesson will be updated with a new anchor text and instructions. See This startup wants to end world hunger with solar-powered irrigation (Applied Lesson) Step 4: Summarize. See directions for prompt.	https://learn.thinkcerca.com/lessons/19474/lesson_steps/4
(6) Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:	(J) defend or challenge the authors' claims using relevant text evidence	(i) defend or challenge the authors' claims using relevant text evidence	Student/Teacher	Activity	9780999856185	Words Can Hurt You (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/16190/lesson_steps/6	9780999856185	New lesson: More Evidence That Soda Taxes Cut Soda Drinking (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/20038/lesson_steps/6
(10) Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:	(B) develop drafts into a focused, structured, and coherent piece of writing by: (i) organizing with purposeful structure, including an introduction, transitions, coherence within and across paragraphs, and a conclusion; and (ii) developing an engaging idea reflecting depth of thought with specific facts, details, and examples	(vii) develop drafts into a focused piece of writing by developing an engaging idea reflecting depth of thought with specific details	Student/Teacher	Activity	9780999856185	Can Machines Learn Morality? (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/16884/lesson_steps/6	9780999856185	Lesson will be updated with a new anchor text and instructions. See Self-Flying Planes May Arrive Sooner Than You Think. Here's Why (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/19712/lesson_steps/6

Knowledge and Skills Statement	Student Expectation	Breakout	Item Type	Citation Type	Component ISBN (Current)	Page (s) (Current)	Specific Location or Hyperlink to Location for Electronic Programs (Current)	Component ISBN (Proposed Update)	Page (s) (Proposed Update)	Specific Location or Hyperlink to Location for Electronic Programs (Proposed Update)
(10) Composition: listening, speaking, reading, writing, and thinking using multiple texts—writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:	(B) develop drafts into a focused, structured, and coherent piece of writing by: (i) organizing with purposeful structure, including an introduction, transitions, coherence within and across paragraphs, and a conclusion; and (ii) developing an engaging idea reflecting depth of thought with specific facts, details, and examples	(viii) develop drafts into a focused piece of writing by developing an engaging idea reflecting depth of thought with specific examples	Student/Teacher	Activity	9780999856185	Can Machines Learn Morality? (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/16884/lesson_steps/6	9780999856185	Lesson will be updated with a new anchor text and instructions. See Self-Flying Planes May Arrive Sooner Than You Think. Here's Why (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/19712/lesson_steps/6
(10) Composition: listening, speaking, reading, writing, and thinking using multiple texts—writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:	(B) develop drafts into a focused, structured, and coherent piece of writing by: (i) organizing with purposeful structure, including an introduction, transitions, coherence within and across paragraphs, and a conclusion; and (ii) developing an engaging idea reflecting depth of thought with specific facts, details, and examples	(xiv) develop drafts into a structured piece of writing by developing an engaging idea reflecting depth of thought with specific facts	Student/Teacher	Activity	9780999856185	Can Machines Learn Morality? (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/16884/lesson_steps/6	9780999856185	Lesson will be updated with a new anchor text and instructions. See Self-Flying Planes May Arrive Sooner Than You Think. Here's Why (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/19712/lesson_steps/6
(10) Composition: listening, speaking, reading, writing, and thinking using multiple texts—writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:	(B) develop drafts into a focused, structured, and coherent piece of writing by: (i) organizing with purposeful structure, including an introduction, transitions, coherence within and across paragraphs, and a conclusion; and (ii) developing an engaging idea reflecting depth of thought with specific facts, details, and examples	(xv) develop drafts into a structured piece of writing by developing an engaging idea reflecting depth of thought with specific details	Student/Teacher	Activity	9780999856185	Can Machines Learn Morality? (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/16884/lesson_steps/6	9780999856185	Lesson will be updated with a new anchor text and instructions. See Self-Flying Planes May Arrive Sooner Than You Think. Here's Why (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/19712/lesson_steps/6
(10) Composition: listening, speaking, reading, writing, and thinking using multiple texts—writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:	(B) develop drafts into a focused, structured, and coherent piece of writing by: (i) organizing with purposeful structure, including an introduction, transitions, coherence within and across paragraphs, and a conclusion; and (ii) developing an engaging idea reflecting depth of thought with specific facts, details, and examples	(xvi) develop drafts into a structured piece of writing by developing an engaging idea reflecting depth of thought with specific examples	Student/Teacher	Activity	9780999856185	Can Machines Learn Morality? (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/16884/lesson_steps/6	9780999856185	Lesson will be updated with a new anchor text and instructions. See Self-Flying Planes May Arrive Sooner Than You Think. Here's Why (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/19712/lesson_steps/6
(10) Composition: listening, speaking, reading, writing, and thinking using multiple texts—writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:	(B) develop drafts into a focused, structured, and coherent piece of writing by: (i) organizing with purposeful structure, including an introduction, transitions, coherence within and across paragraphs, and a conclusion; and (ii) developing an engaging idea reflecting depth of thought with specific facts, details, and examples	(xxii) develop drafts into a coherent piece of writing by developing an engaging idea reflecting depth of thought with specific facts	Student/Teacher	Activity	9780999856185	Can Machines Learn Morality? (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/16884/lesson_steps/6	9780999856185	Lesson will be updated with a new anchor text and instructions. See Self-Flying Planes May Arrive Sooner Than You Think. Here's Why (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/19712/lesson_steps/6
(10) Composition: listening, speaking, reading, writing, and thinking using multiple texts—writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:	(B) develop drafts into a focused, structured, and coherent piece of writing by: (i) organizing with purposeful structure, including an introduction, transitions, coherence within and across paragraphs, and a conclusion; and (ii) developing an engaging idea reflecting depth of thought with specific facts, details, and examples	(xxiii) develop drafts into a coherent piece of writing by developing an engaging idea reflecting depth of thought with specific details	Student/Teacher	Activity	9780999856185	Can Machines Learn Morality? (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/16884/lesson_steps/6	9780999856185	Lesson will be updated with a new anchor text and instructions. See Self-Flying Planes May Arrive Sooner Than You Think. Here's Why (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/19712/lesson_steps/6
(10) Composition: listening, speaking, reading, writing, and thinking using multiple texts—writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to:	(B) develop drafts into a focused, structured, and coherent piece of writing by: (i) organizing with purposeful structure, including an introduction, transitions, coherence within and across paragraphs, and a conclusion; and (ii) developing an engaging idea reflecting depth of thought with specific facts, details, and examples	(xxiv) develop drafts into a coherent piece of writing by developing an engaging idea reflecting depth of thought with specific examples	Student/Teacher	Activity	9780999856185	Can Machines Learn Morality? (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/16884/lesson_steps/6	9780999856185	Lesson will be updated with a new anchor text and instructions. See Self-Flying Planes May Arrive Sooner Than You Think. Here's Why (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/19712/lesson_steps/6

Knowledge and Skills Statement	Student Expectation	Breakout	Item Type	Citation Type	Component ISBN (Current)	Page (s) (Current)	Specific Location or Hyperlink to Location for Electronic Programs (Current)	Component ISBN (Proposed Update)	Page (s) (Proposed Update)	Specific Location or Hyperlink to Location for Electronic Programs (Proposed Update)
(11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. The student is expected to:	(C) compose multi-paragraph argumentative texts using genre characteristics and craft	(i) compose multi-paragraph argumentative texts using genre characteristics	Student/Teacher	Activity	9780999856185	The Age of Social Media (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/15893/lesson_steps/6	9780999856185	Anchor text and instructions will be revised. See: Mental Health Risks to Girls Who Spend More Than an Hour a Day on Social Media — New Study (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/20090/lesson_steps/6
(11) Composition: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student uses genre characteristics and craft to compose multiple texts that are meaningful. The student is expected to:	(C) compose multi-paragraph argumentative texts using genre characteristics and craft	(ii) compose multi-paragraph argumentative texts using craft	Student/Teacher	Activity	9780999856185	The Age of Social Media (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://texas.thinkcerca.com/lessons/15893/lesson_steps/6	9780999856185	Anchor text and instructions will be revised. See: Mental Health Risks to Girls Who Spend More Than an Hour a Day on Social Media — New Study (Applied Lesson) See directions for prompt. Click "Need help getting started."	https://learn.thinkcerca.com/lessons/20090/lesson_steps/6

Ratification of Texas Lesson Study Resources

April 5, 2019

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: CONSENT

SUMMARY: This item gives the committee and board an opportunity to consider ratifying the current teacher-designed lesson study resources, which became available on the agency’s web portal November 1, 2018–March 8, 2019.

STATUTORY AUTHORITY: Texas Education Code ([TEC](#)), [§8.0531](#)

TEC, §8.0531 requires instructional materials that are part of a curriculum management system and developed by education service centers to undergo a review and adoption process.

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

PREVIOUS BOARD ACTION: On November 16, 2018, the board ratified the first set of lesson study resources that were available on the agency’s web portal as of October 31, 2018.

BACKGROUND INFORMATION AND JUSTIFICATION: Commissioner of Education Mike Morath included the Texas Lesson Study (TXLS) professional development program in the TEA Strategic Plan 2017–2021 and 2019–2023. TXLS is inquiry-based, job-embedded professional development where teachers work collaboratively to develop, teach, and assess research-based lessons. Through this process, teachers document their learning and lesson design on a lesson proposal and provide a video of the taught research-based lesson. The lesson proposal and video may become published on TEA’s online teacher and student resource center, the Texas Gateway.

At the September 13, 2018, and November 15, 2018 Committee on Instruction meetings, staff presented on the TXLS professional development program.

PUBLIC BENEFIT AND COST TO PERSONS: Benefits include teachers and parents having access to teacher-designed, master lessons that are aligned to the Texas Essential Knowledge and Skills and may be adapted and implemented in the classroom to increase student outcomes.

MOTION TO BE CONSIDERED: The State Board of Education:

ratify the Texas Lesson Study resources presented in Separate Exhibit II.

Staff Members Responsible:

Martin Winchester, Deputy Commissioner, Educator Systems and Support
Blair Claussen, Project Manager, Educator Support

Separate Exhibit I: How to Access Gateway Lesson Study Resources

Separate Exhibit II: Gateway Lesson Study Resource List: November 1, 2018–March 8, 2019

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

April 4, 2019

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

SUMMARY: This item provides the opportunity for the committee to review recommended updates to the *Texas State Plan for the Education of Gifted/Talented Students* (State Plan).

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.102(c)(15) and §29.123

TEC, §7.102(c)(15), requires the State Board of Education (SBOE) to adopt criteria for identifying gifted and talented students and develop and update a state plan for the education of gifted and talented students.

TEC, §29.123, requires the SBOE to develop and periodically update a state plan for the education of gifted and talented students to guide school districts in establishing and improving programs for identified students.

PREVIOUS BOARD ACTION: The Committee on Instruction discussed the review of the State Plan at the April 12, 2018 and June 14, 2018 meetings. The SBOE previously approved updates to the State Plan in September 18, 2009.

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

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

Pursuant to TEC, §29.123, the State Plan provides the basis of G/T services, accountability, and assistance to school districts, charging the SBOE with periodically updating the State Plan guidance. At the April 12, 2018 Committee on Instruction meeting, the committee discussed the gifted/talented administrative rule and the State Plan. At that time, the committee asked TEA staff to develop a process to update the State Plan to be discussed at the June 2018 meeting. A summary of feedback received on the current State Plan was provided to the committee at the June 2018 meeting.

PUBLIC BENEFIT AND COST TO PERSONS: Districts and schools will have accurate and appropriate information and resources for providing services to students identified as Gifted/Talented and for complying with state law and rule regarding these students.

PUBLIC COMMENTS: None.

Staff Members Responsible:

Matthew Montano, Executive Director, Special Populations and Monitoring
Niloy Gangopadhyay, Director of Special Populations
Monica Brewer, Gifted/Talented Statewide Coordinator, Special Populations

Attachment I: Text of 19 TAC Chapter 89 Subchapter A

Attachment II: Proposed Updates to the Texas State Plan for the Education of Gifted/Talented Students

ATTACHMENT I

Text of 19 TAC

Chapter 89. Adaptations for Special Populations

Subchapter A. Gifted/Talented Education

§89.1 Student Assessment.

School districts shall develop written policies on student identification that are approved by the local board of trustees and disseminated to parents. The policies must:

- (1) include provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in the Texas Education Code, §29.121;
- (2) include assessment measures collected from multiple sources according to each area defined in The Texas State Plan for the Education of Gifted/Talented Students;
- (3) include data and procedures designed to ensure that students from all populations in the district have access to assessment and, if identified, services for the gifted/ talented program;
- (4) provide for final selection of students to be made by a committee of at least three local district educators who have received training in the nature and needs of gifted students; and
- (5) include provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement.

§89.2 Professional Development.

School districts shall ensure that:

- (1) prior to assignment in the program, teachers who provide instruction and services that are a part of the program for gifted students have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted students;
- (2) teachers without training required in paragraph (1) of this section who provide instruction and services that are part of the gifted/talented program must complete the 30-hour training requirement within one semester;
- (3) teachers who provide instruction and services that are a part of the program for gifted students receive a minimum of six hours annually of professional development in gifted education; and
- (4) administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

§89.3 Student Services.

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

- (1) instructional and organizational patterns that enable identified students to work together as

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

§89.4 Fiscal Responsibility.

Repealed.

§89.5 Program Accountability.

School districts shall ensure that student assessment and services for gifted/talented students comply with accountability standards defined in the *Texas State Plan for the Education of the Gifted/Talented*.

ATTACHMENT II

Fidelity of Services

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

Accountability	Exemplary
1.1 Student assessment and services are in compliance with the Texas State Plan for the Education of Gifted/Talented Students (19 TAC §89.5).	
1.2 Gifted/talented education policies and procedures are reviewed and recommendations for improvement are made by an advisory group of community members, parents of gifted/talented students, school staff, and gifted/talented education staff, who meet regularly for that purpose.	
1.3 No more than 45% of state funds allocated for gifted/talented education is spent on indirect costs as defined in the Financial Accounting and Reporting Module (Financial Accountability Resource Guide). At least 55% of the funds allocated to gifted/talented education is spent on assessment and services for gifted students (19 TAC §105.11).	1.3.1 Additional funding from business partnerships, scholarships, parent group fundraisers, etc. is used to supplement the state and local funding.
1.4 Local funding for gifted/talented education programs is used to supplement the state funding.	
1.5 Annual evaluation activities are conducted for the purpose of continued service development.	1.5.1 Ongoing formative and summative evaluation strategies, based on quantitative and qualitative data, are reviewed by the school board and used for substantive program improvement and development.
1.6 Long-range evaluation of services is based on evidence obtained through gifted/talented-appropriate performance measures such as those provided through the Texas Performance Standards Project (TPSP).	
1.7 The development and delivery of curriculum for gifted/talented students is monitored regularly by trained administrators.	
1.8 District guidelines for evaluation of resources used to serve gifted/talented students are established and used in selecting materials that are appropriate for differentiated learning.	
1.9 Curriculum for gifted/talented students is modified based on annual evaluations.	1.9.1 Gifted/talented curriculum is designed and evaluated through collaboration by specialists in content areas, special

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

Student Assessment

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

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

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

Accountability	Exemplary
2.18 Based on a review of information gathered during the assessment process, students whose data reflect that gifted/talented services will be the most effective way to meet their identified educational needs are recommended by the selection committee for gifted/talented services.	
2.19 Students are assessed in languages they understand or with nonverbal assessments.	
2.20 All kindergarten students are automatically considered for gifted/talented and other advanced level services.	
2.21 At the kindergarten level, as many criteria as possible, and at least three (3), are used to assess students who perform at remarkably high levels of accomplishment relative to age peers.	
2.22 In grades 1–12, qualitative and quantitative data are collected through three (3) or more measures and used to determine whether a student needs gifted/talented services.	
2.23 If services are available in leadership, artistic, and creativity areas, a minimum of three (3) criteria are used for assessment.	
2.24 Access to assessment and, if needed, gifted/talented services is available to all populations of the district (19 TAC §89.1(3)).	
2.25 The population of the gifted/talented services program is closely reflective of the population of the total district and/or campus.	
2.26 Final determination of students' need for gifted/talented services is made by a committee of at least three (3) local district or campus educators who have received training in the nature and needs of gifted/talented students and who have met and reviewed the individual student data (19 TAC §89.1(4)).	
2.27 The selection committee is formed of members who have completed training as required by 19 TAC §89.2.	2.27.1 The selection committee is formed of a majority of members who have completed thirty (30) hours of training and are current with the six-hour training update as required by 19 TAC §89.2(2).
2.28 A balanced examination of all assessment data collected through the district's gifted/talented assessment process is conducted and used by the selection committee in making identification decisions.	2.28.1 Additional data beyond that collected through the district's standard gifted/talented assessment process are considered, as needed, by the selection committee in making identification

Accountability	Exemplary
	decisions in order to make the most appropriate placement.
2.29 Student progress/performance in response to gifted/talented services is periodically assessed using standards in the areas served and identified in the written plan. Results are communicated to parents or guardians.	

SERVICE DESIGN

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

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

Accountability	Exemplary
actively facilitated by district administrators, counselors, and teachers.	
3.9 Local board policies are developed that enable students to participate in dual/concurrent enrollment, distance learning opportunities, and accelerated summer programs if available.	
3.10 A person who has thirty (30) hours of professional learning in gifted/talented education and annual six (6) hour professional learning updates as required in 19 TAC §89.2(1) is assigned to coordinate district level services for gifted/talented students in grades K–12.	3.10.1. A person or persons with a gifted/talented endorsement, supplementary certification, or advanced degree in gifted/talented education is assigned to coordinate the district’s K–12 gifted/talented education services.
3.11 Develop and implement services to address the social and emotional needs of gifted/talented students and their impact on student learning.	
	3.12.1 Gifted/Talented Education Plans for identified students detail the individual gifted/talented needs and services.

CURRICULUM AND INSTRUCTION

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

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

Accountability	Exemplary
	teams that coordinate gifted/talented services in the district.

PROFESSIONAL LEARNING

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

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

Accountability	Exemplary
<p>5.6 Teachers who provide instruction and services that are a part of the district’s defined gifted/talented services receive a minimum of six (6) hours annually of professional development in gifted/talented education that is related to state teacher gifted/talented education standards (19 TAC §89.2(3) and TAC §233.1).</p>	<p>5.6.1 Teachers who provide instruction and services that are a part of the district’s defined gifted/talented services receive a minimum of six (6) hours annually of professional development in gifted/talented education based on evaluation of G/T services.</p> <p>5.6.2 All staff receive an orientation to the district’s gifted/talented identification processes and gifted/talented services provided by the district or campus, along with training on the nature and needs of the gifted/talented.</p>
<p>5.7 Annually, each teacher new to the district receives an orientation to the district’s gifted/talented identification processes and the district’s services for gifted/talented students.</p>	
<p>5.8 Teachers as well as administrators who have supervisory duties for service decisions are required to complete a minimum of six (6) hours of professional development that includes nature and needs of gifted/talented students and service options for gifted/talented students (19 TAC §89.2(4)).</p>	<p>5.8.1 Administrators who have authority for gifted/talented service decisions receive a minimum of six (6) hours annually of professional development in gifted/talented education.</p>
<p>5.9 Counselors who work with gifted/talented students are required to complete a minimum of six (6) hours of professional development that includes nature and needs of gifted/talented students, service options for gifted/talented students, and social emotional learning (19 TAC §89.2(4)).</p>	<p>5.9.1 Counselors who work with gifted/talented students receive a minimum of six (6) hours annually of professional development in gifted/talented education.</p>
<p>5.10 Local district boards of trustees are trained to ensure program accountability based on the Texas State Plan for the Education of Gifted/Talented Students (19 TAC §89.5).</p>	<p>5.10.1 Local district boards of trustees are encouraged to pursue professional development on the Texas State Plan for the Education of Gifted/Talented Students.</p>
<p>5.11 Evaluation of professional learning activities for gifted/talented education is ongoing and related to state teacher education standards, and the results of the evaluation are used in making decisions regarding future staff development plans (19 TAC §89.5 and TAC §233.1).</p>	<p>5.11.1 A long-range plan for professional development that culminates in graduate studies in gifted/talented education, supplemental gifted/talented certification, advanced degrees in gifted/talented education, and/or their teaching discipline is pursued by a majority of the teachers who provide advanced-level and/or gifted/talented services.</p>
<p>5.12 Gifted/talented services staff are involved in planning, reviewing, and/or conducting the district’s gifted/talented professional learning.</p>	

Family/Community Involvement

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

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

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

TEXAS EDUCATION CODE
CHAPTER 29. EDUCATIONAL PROGRAMS

Subchapter D. Educational Programs for Gifted and Talented Students

§29.121. Definition.

In this subchapter, “gifted and talented students” means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

- (1) exhibits high performance capability in an intellectual, creative, or artistic area;
- (2) possesses an unusual capacity for leadership; or
- (3) excels in a specific academic field.

§29.122. Establishment.

Using criteria established by the State Board of Education, each school district shall adopt a process for identifying and serving gifted and talented students in the district and shall establish a program for those students in each grade level. A district may establish a shared services arrangement program with one or more other districts.

§29.123. State Plan: Assistance.

The State Board of Education shall develop and periodically update a state plan for the education of gifted and talented students to guide school districts in establishing and improving programs for identified students. The regional education service centers may assist districts in implementing the state plan. In addition to obtaining assistance from a regional education service center, a district may obtain other assistance in implementing the plan. The plan shall be used for accountability purposes to measure the performance of districts in providing services to students identified as gifted and talented.

Texas Education Code as passed by the 74th Legislature of the State of Texas. Effective September 1, 1995.

TEXAS EDUCATION CODE
CHAPTER 42. FOUNDATION SCHOOL PROGRAM
Subchapter C. Special Allotments

§42.156. Gifted and Talented Student Allotment.

(a) For each identified student a school district serves in a program for gifted and talented students that the district certifies to the commissioner as complying with Subchapter D, Chapter 29, a district is entitled to an annual allotment equal to the district's adjusted basic allotment as determined under Section 42.102 or Section 42.103, as applicable, multiplied by .12 for each school year or a greater amount provided by appropriation.

(b) Funds allocated under this section, other than the amount that represents the programs share of general administrative costs, must be used in providing programs for gifted and talented students under Subchapter D, Chapter 29, including programs sanctioned by International Baccalaureate and Advanced Placement, or in developing programs for gifted and talented students. Each district must account for the expenditure of state funds as provided by rule of the State Board of Education. If by the end of the 12th month after receiving an allotment for developing a program a district has failed to implement a program, the district must refund the amount of the allotment to the agency within 30 days.

(c) Not more than five percent of a district's students in average daily attendance are eligible for funding under this section.

(d) If the amount of state funds for which school districts are eligible under this section exceeds the amount of state funds appropriated in any year for the programs, the commissioner shall reduce each district's tier one allotments in the same manner described for a reduction in allotments under Section 42.253.

(e) If the total amount of funds allotted under this section before a date set by rule of the State Board of Education is less than the total amount appropriated for a school year, the commissioner shall transfer the remainder to any program for which an allotment under Section 42.152 may be used.

(f) After each district has received allotted funds for this program, the State Board of Education may use up to \$500,000 of the funds allocated under this section for programs such as MATHCOUNTS, Future Problem Solving, Odyssey of the Mind, and Academic Decathlon, as long as these funds are used to train personnel and provide program services. To be eligible for funding under this subsection, a program must be determined by the State Board of Education to provide services that are effective and consistent with the state plan for gifted and talented education. [Sections 42.157-42.200 reserved for expansion]

Texas Education Code as passed by the 74th Legislature of the State of Texas. Effective September 1, 1995.

TEXAS ADMINISTRATIVE CODE

Title 19, Part II

Chapter 89. Adaptations for Special Populations

Subchapter A. Gifted/Talented Education

§89.1 Student Assessment.

School districts shall develop written policies on student identification that are approved by the local board of trustees and disseminated to parents. The policies must:

- (1) include provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in the Texas Education Code, §29.121;
- (2) include assessment measures collected from multiple sources according to each area defined in The Texas State Plan for the Education of Gifted/Talented Students;
- (3) include data and procedures designed to ensure that students from all populations in the district have access to assessment and, if identified, services for the gifted/ talented program;
- (4) provide for final selection of students to be made by a committee of at least three local district educators who have received training in the nature and needs of gifted students; and
- (5) include provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement.

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

§89.2 Professional Development.

School districts shall ensure that:

- (1) prior to assignment in the program, teachers who provide instruction and services that are a part of the program for gifted students have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted students;
- (2) teachers without training required in paragraph (1) of this section who provide instruction and services that are part of the gifted/talented program must complete the 30-hour training requirement within one semester;
- (3) teachers who provide instruction and services that are a part of the program for gifted students receive a minimum of six hours annually of professional development in gifted education; and
- (4) administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

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

§89.3 Student Services.

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

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

Source: The provisions of this §89.3 adopted to be effective September 1, 1996, 21 TexReg 5690.

§89.4 Fiscal Responsibility.

Repealed. Please see §105.11 below.

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

§89.5 Program Accountability.

School districts shall ensure that student assessment and services for gifted/talented students comply with accountability standards defined in the *Texas State Plan for the Education of the Gifted/Talented*.

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

§105.11. Maximum Allowable Indirect Cost.

No more than 48% of each school district's Foundation School Program (FSP) special allotments under the Texas Education Code, Chapter 42, Subchapter C, may be expended for indirect costs related to the following programs: compensatory education, bilingual education and special language programs, and special education. No more than 45% of each school district's FSP special allotments under the Texas Education Code, Chapter 42, Subchapter C, may be expended for indirect costs related to gifted and talented education programs. No more than 42% of each school district's FSP special allotments under the Texas Education Code, Chapter 42, Subchapter C, may be expended for indirect costs related to career and technical education programs. Indirect costs may be attributed to the following expenditure function codes: 34—Student Transportation; 41—General Administration; 81—Facilities Acquisition and Construction; and the Function 90 series of the general fund, as defined in the Texas Education Agency publication, Financial Accountability System Resource Guide.

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

percentage decrease in state and local maintenance and operations revenue from the 2011–2012 school year.

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

Glossary

Term	Definition
Acceleration	<p>Acceleration is an academic intervention that matches the level, complexity, and pace of the curriculum with the readiness and motivation of the student. It involves mastering knowledge and skills at a rate faster or at an age earlier than the norm.</p> <p>From <i>A Nation Deceived</i>—Colangelo, N., Assouline, S., & Gross, M. U. M. (2004). <i>A nation deceived: How schools hold back America's brightest students</i> (Vol. 1). Iowa City: University of Iowa, Connie Belin & Jacqueline N. Blank International Center for Gifted Education and Talent Development</p>
Area of Giftedness	the specific set of abilities in which a student performs or shows potential to perform at a remarkably high level of accomplishment
Array of Learning Experiences	a menu of challenging activities or opportunities that fit the unique interests and abilities of advanced-level students
Artistically Gifted	possessing outstanding ability in the visual and/or performing arts
Complexity	extension of content in, between, and across disciplines through the study of themes, problems, and issues; seeing relationships between and among ideas in/within the topic, discipline, and disciplines; examining relationships in, between, and across disciplines over time and from multiple points of view
Concurrent Enrollment	the practice of enrolling in a college or university to earn college or university credit while in high school
Continuum of Learning Experiences	articulated intellectual, artistic, creative, and/or leadership activities and opportunities that build upon one another each year a student is in school
Creatively Gifted	possessing outstanding imagination, thinking ability, innovative or creative reasoning ability, ability in problem solving, and/or high attainment in original or creative thinking

Term	Definition
Credit by Exam (CBE)	method in which a student may receive credit for a subject/course or accelerate through a grade by taking one or more exams
Depth	exploration of content within a discipline to include analyzing from the concrete to the abstract, the familiar to the unfamiliar, the known to the unknown; exploring the discipline by going beyond facts and concepts into generalizations, principles, theories, laws; investigating the layers of experience within a discipline through details, patterns, trends, unanswered questions, and/or ethical considerations
Differentiation	modification of curriculum and instruction according to content, pacing, process and/or product to meet unique student needs in the classroom
Diversity	the presence of difference between individuals and among groups including but not limited to age, socioeconomics, education, race and ethnicity, gender, sexual orientation, culture, and religious beliefs
Dual Credit	an opportunity for a student to earn high school credit for successful completion of a college course
Flexible Pacing	Flexible pacing is defined as placing students at an appropriate instructional level and allowing them to move forward in the curriculum as they master content and skills. Flexible pacing is achieved by such methods as continuous progress, compacted course, advanced level courses, grade skipping, early entrance, concurrent or dual enrollment, and credit by examination.
Foundation Curricular Areas	English language arts/reading, mathematics, science, and social studies
Furlough	a leave of absence from program services
Gifted in Leadership	possessing the natural ability to influence others; possessing skills in interpersonal relationships demonstrated, for example, by outstanding ability in such activities as student government

Term	Definition
Gifted in Specific Academic Fields	possessing superior ability or potential in a specific course of study such as English language arts/reading, mathematics, science, or social studies
Gifted/Talented Services	services and activities not ordinarily provided by the school that are specifically designed to fully develop the capabilities of students who give evidence of high achievement or capability in areas such as intellectual, creative, artistic, or leadership capacity
Independent Study	self-directed learning strategy where the teacher acts as guide or facilitator, and the student plays a more active role in designing and managing his or her own learning
Intellectually Gifted	possessing superior intelligence, with potential or demonstrated accomplishments in several fields of study; ability to perform complex mental tasks
Mentor	an individual who shares his or her expertise with a student of similar career or field-of-study aspirations
Qualitative Measures	performance indicators that cannot be recorded numerically and that include observations, anecdotal records, checklists, interviews, student products, performances, etc.
Quantitative Measures	performance indicators that can be expressed in terms of definite numbers or amounts such as scores on achievement tests
Texas Performance Standards Project (TPSP)	statewide standards and assessment system which includes instructional materials designed to provide assistance as districts achieve the state goal for gifted/talented students (complete information at http://www.texaspsp.org/)
Twice-Exceptional	<p>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:</p> <ol style="list-style-type: none"> 1. exhibits high performance capability in an intellectual, creative, or artistic area; 2. possesses an unusual capacity for leadership; or 3. excels in a specific academic field (TEC 29.121)

Term	Definition
	and who also gives evidence of one or more disabilities as defined by federal or state eligibility criteria.

This page has been intentionally left blank.

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

**Adoption of Review of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting
(Adoption of Review)**

April 5, 2019

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

SUMMARY: Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the review of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting. Subchapter A addresses free attendance in general, and Subchapter B addresses requirements for student attendance accounting for state funding purposes.

STATUTORY AUTHORITY: The statutory authority for the rule review is [TGC, §2001.039](#). The statutory authority for 19 TAC Chapter 129, Subchapters A and B, is Texas Education Code ([TEC](#)), [§42.004](#) and [§12.106](#).

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

TEC, §42.004, requires the commissioner, in accordance with rules adopted by the State Board of Education, to require reports necessary to implement and administer the Foundation School Program.

TEC, §12.106, provides for charter schools to receive funding under certain conditions through TEC, Chapter 42.

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 129, Subchapters A and B, was presented to the Committee on School Finance/Permanent School Fund at the January-February 2019 board meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The rule in 19 TAC Chapter 129, Subchapter A, addresses certain eligibility criteria students must meet for enrollment in public schools.

The rule in 19 TAC Chapter 129, Subchapter B, provides the student attendance accounting requirements school districts must follow and describes the manner in which student attendance is earned. The rule also provides a list of conditions under which a student who is not actually on campus at the time attendance is taken may be considered in attendance for Foundation School Program funding purposes.

If authorized by the SBOE, the Texas Education Agency (TEA) will file the adopted review with the Texas Register stating that the SBOE finds the reasons for adopting 19 TAC Chapter 129, Subchapters A and B, continue to exist.

ANTICIPATED REVISIONS TO RULES: It is anticipated that an amendment to §129.21 will be presented for consideration at the June 2019 SBOE meeting. The amendment would allow school districts to designate when attendance will be taken.

PUBLIC COMMENTS: The TEA filed the proposed review of 19 TAC Chapter 129, Subchapters A and B, with the Texas Register following the January-February 2019 SBOE meeting. The public comment period on the proposed review began February 22, 2019, and ended March 29, 2019. At the time this item was prepared, no comments had been received regarding the review. Any public comments received will be provided to the SBOE during the April 2019 meeting. The SBOE will take registered oral and written comments on the proposed review at the committee meeting in April 2019 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Adopt the review of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting.

Staff Members Responsible:

Leo Lopez, Associate Commissioner, School Finance

David Marx, Director, Financial Compliance

Attachment: Text of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting

ATTACHMENT
Text of 19 TAC

Chapter 129. Student Attendance

Subchapter A. Student Attendance Allowed

§129.1. Free Attendance in General.

- (a) Definitions. Identification is required within 30 days of a child's enrollment in a Texas school, in accordance with the Texas Education Code, §25.002. For the purposes of identification, the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.
 - (1) Documents that are suitable for identification - Shall be defined by the commissioner of education.
 - (2) The child's records - Include a minimum set of data and documentation established by the commissioner of education. The minimum set of data will include the child's social security number or a state-approved alternative identification number as assigned by the Public Education Information Management System (PEIMS).
- (b) Children shall not be denied enrollment or be removed solely because they fail to meet the requirements of subsection (a) of this section.
- (c) Students in this country under a bona fide exchange program are eligible to attend school in the designated district of residence.

Statutory Authority: The provisions of this §129.1 issued under Texas Education Code, §42.004.

Source: The provisions of this §129.1 adopted to be effective September 1, 1996, 21 TexReg 588.

Subchapter B. Student Attendance Accounting

§129.21. Requirements for Student Attendance Accounting for State Funding Purposes.

- (a) All public schools in Texas must maintain records to reflect the average daily attendance (ADA) for the allocation of Foundation School Program (FSP) funds and other funds allocated by the Texas Education Agency (TEA). Superintendents, principals, and teachers are responsible to their school boards and to the state to maintain accurate, current attendance records.
- (b) The commissioner of education is responsible for providing guidelines and procedures for attendance accounting in accordance with state law.
- (c) The commissioner must provide for special circumstances regarding attendance accounting in accordance with the provisions of law.
- (d) The superintendent of schools is responsible for the safekeeping of all attendance records and reports. The superintendent of schools may determine whether the properly certified attendance records or reports for the school year are to be stored in the central office, on the respective school campuses of the district, or at another secure location. Regardless of where such records are stored, they must be readily available for audit by the TEA division responsible for performing school financial audits.
- (e) Districts must maintain records and make reports concerning student attendance and participation in special programs as required by the commissioner.
- (f) If a school district chooses to use a locally developed record or automated system, the record or automated system must contain the minimum information required by the commissioner.
- (g) A student must be enrolled for at least two hours of instruction to be considered in membership for one half day, and for at least four hours of instruction to be considered in membership for one full day.

- (h) Attendance for all grades must be determined by the absences recorded in the second or fifth instructional hour of the day, unless the local school board adopts a district policy, or delegates to the superintendent the authority to establish procedures, for recording absences in an alternative hour, or unless the students for which attendance is being taken are enrolled in and participating in an alternative attendance accounting program approved by the commissioner.
- (1) Students enrolled on a half-day basis may earn only one half day of attendance each school day. Attendance is determined for these pupils by recording absences in a period during the half day that they are scheduled to be present. Students enrolled on a full-day basis may earn one full day of attendance each school day.
 - (2) Students who are enrolled in and participating in an alternative attendance accounting program approved by the commissioner will earn attendance according to the statutory and rule provisions applicable to that program.
 - (3) The established period in which absences are recorded may not be changed during the school year.
 - (4) Students absent at the time the attendance roll is taken, during the daily period selected, are counted absent for the entire day, unless the students are enrolled in and participating in an alternative attendance accounting program approved by the commissioner. Students present at the time the attendance roll is taken, during the daily period selected, are counted present for the entire day, unless the students are enrolled in and participating in an alternative attendance accounting program approved by the commissioner.
- (i) A student who is not actually in school at the time attendance is taken must not be counted in attendance for FSP funding purposes, unless the student is participating in an activity that meets the conditions set out in subsection (j) of this section, or unless the student is enrolled in and participating in an alternative attendance accounting program approved by the commissioner.
- (j) A student not actually on campus at the time attendance is taken may be considered in attendance for FSP funding purposes under the following conditions.
- (1) The student is participating in an activity that is approved by the local board of school trustees and is under the direction of a member of the professional or paraprofessional staff of the school district, or an adjunct staff member who:
 - (A) has a minimum of a bachelor's degree; and
 - (B) is eligible for participation in the Teacher Retirement System of Texas.
 - (2) The student is participating in a mentorship approved by district personnel to serve as one or more of the advanced measures needed to complete the Distinguished Achievement Program outlined in Chapter 74 of this title (relating to Curriculum Requirements).
 - (3) The student is absent for one of the purposes specified in the Texas Education Code (TEC), §25.087(b), (b-1), (b-2), (b-4), (b-5), or (c). Excused days for travel under the TEC, §25.087(b)(1), are limited to not more than one day for travel to and one day for travel from the applicable site. A temporary absence excused under the TEC, §25.087(b)(2), must be supported by a document such as a note from the health care professional.
- (k) A student not actually on campus at the time attendance is taken also may be considered in attendance for FSP funding purposes under other conditions described in the handbook adopted under §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook) related to off-campus instruction.
- (l) Before a district or charter school may count a student in attendance under this section or in attendance when the student was allowed to leave campus during any part of the school day, the local school board or governing body must adopt a policy, or delegate to the superintendent the authority to establish procedures, addressing parental consent for a student to leave campus, and the district or charter school must distribute the policy or procedures to staff and to all parents of students in the district or charter school.

Statutory Authority: The provisions of this §129.21 issued under the Texas Education Code, §§12.106, 25.087, and 42.004.

Source: The provisions of this §129.21 adopted to be effective September 1, 1996, 21 TexReg 588; amended to be effective September 1, 1997, 22 TexReg 7035; amended to be effective January 1, 2001, 25 TexReg 7155; amended to be effective April 26, 2009, 34 TexReg 2535; amended to be effective February 22, 2010, 35 TexReg 1465; amended to be effective August 23, 2012, 37 TexReg 6309; amended to be effective December 31, 2014, 39 TexReg 10473; amended to be effective August 21, 2016, 41 TexReg 6034; amended to be effective March 29, 2018, 43 TexReg 1851.

**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)**

April 5, 2019

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

SUMMARY: This item presents for first reading and filing authorization proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide. The proposed amendment would reference the updated *Financial Accountability System Resource Guide* (FASRG) and remove language relating to the commissioner's role in amending the FASRG.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.055(b)(32), 7.102(c)(32), 44.001(a) and (b), 44.007(a)-(d), and 44.008(b).

TEC, §7.055(b)(32), requires the commissioner to perform duties in connection with the public school accountability system as prescribed by TEC, Chapters 39 and 39A.

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, §44.001(a), requires the commissioner to establish advisory guidelines relating to the fiscal management of a school district. TEC, §44.001(b), requires the commissioner to report annually to the SBOE the status of school district fiscal management as reflected by the advisory guidelines and by statutory requirements.

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 Public Education Information Management System (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 to 19 TAC §109.41 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 2020-2021 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, dated January 2010, was adopted by reference in §109.41 effective April 26, 2010. An amendment to Module 4 to incorporate updated auditing requirements was adopted by reference effective April 2012. At the November 2018 and January-February 2019 SBOE meetings, 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.

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. The proposed amendment to §109.41 would remove subsection (b), relating to the commissioner's role in amending the FASRG, to eliminate unnecessary administrative procedures. In addition, 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 following proposed amendment would be made to Modules 1-11 of the FASRG.

Module 1, Financial Accounting and Reporting (FAR) and FAR Appendices

Current Module 1 would be replaced with a new Module 1 that would align with current governmental accounting standards. Proposed new Module 1 would include the following significant changes. 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) and the Financial Accounting Standards Board (FASB).

Module 3, Purchasing

Current Module 3 would be replaced and renumbered to new Module 5 that would align with current purchasing laws and standards. Proposed new Module 5 would include the following significant changes. 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 4, Auditing

Current Module 4 would be replaced with a new Module 4 that would align with current governmental auditing standards. Proposed new Module 4 would include the following significant changes. The revised module would establish auditing requirements for Texas public school districts and charter schools and would include current requirements from TEC, §44.008, as well as 2 Code of Federal Regulations Part 200, Subpart F, Audit Requirements, that implement the federal Single Audit Act. The proposed new module would also include current auditing 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 GASB.

Module 9, Compensatory Education, Guidelines, Financial Treatment, and an Auditing and Reporting System

Current Module 9 would be replaced with a new Module 6 that would align with current governmental accounting standards. Proposed new Module 6 would include the following significant changes. School districts and charter schools would be required to maintain proper budgeting and financial accounting and reporting systems. The module would provide current 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.

Module 10, Special Supplement - Charter Schools

Current Module 10 would be replaced and renumbered to new Module 2 that would align with current financial and accounting reporting standards. Proposed new Module 2 would include the following significant changes. The revised module would establish financial and accounting requirements for Texas public school charter schools to ensure uniformity in accounting in conformity with GAAP. The proposed new module would also include current 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 11, Special Supplement - Non-profit Charter Schools Chart of Accounts

Current Module 11 would be replaced and renumbered to new Module 3 that would align with current governmental accounting standards. Proposed new Module 3 would include the following significant changes. Charter schools would be required to maintain proper budgeting and financial accounting and reporting systems that are in conformity with Texas Education Data Standards (TEDS) in the Texas Student Data Systems (TSDS) Public Education Information Management System (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 new 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 2, Budgeting; Module 5, Site Based Decision-Making; Module 6, Accountability; Module 7, Data Collection and Reporting; and Module 8, Management

These modules currently include guidance that is obsolete or related to financial best practices that school districts and charter schools receive from their regional education service centers (ESCs). Content from Module 2 that aligns with current governmental accounting standards would be moved to proposed new Module 1 and the remainder of the module would be repealed. Additionally, Modules 5, 6, 7, and 8 would be removed in their entirety, and school districts and charter schools will continue to receive guidance and examples related to best practices from ESCs.

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

PUBLIC BENEFIT AND COST TO PERSONS: The proposal would ensure 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: The proposal would have no data and reporting impact.

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

PUBLIC COMMENTS: The public comment period on the proposal begins May 3, 2019, and ends June 7, 2019. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2019 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 3, 2019.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide.

Staff Members Responsible:

Leo Lopez, Associate Commissioner, School 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 New FASRG Module 1, Financial Accounting and Reporting (FAR) and FAR Appendices

Attachment III: Proposed New FASRG Module 2, Charter Schools

Attachment IV: Proposed New FASRG Module 3, Non-profit Charter Schools Chart of Accounts

Attachment V: Proposed New FASRG Module 4, Auditing

Attachment VI: Proposed New FASRG Module 5, Purchasing

Attachment VII: Proposed New FASRG Module 6, State Compensatory Education

Attachment VIII: Proposed Repeal of FASRG Module 1, Financial Accounting and Reporting (FAR) and FAR Appendices

Attachment IX: Proposed Repeal of FASRG Module 2, Budgeting

Attachment X: Proposed Repeal of FASRG Module 3, Purchasing

Attachment XI: Proposed Repeal of FASRG Module 4, Auditing

Attachment XII: Proposed Repeal of FASRG Module 5, Site Based Decision-Making

Attachment XIII: Proposed Repeal of FASRG Module 6, Accountability

Attachment XIV: Proposed Repeal of FASRG Module 7, Data Collection and Reporting

Attachment XV: Proposed Repeal of FASRG Module 8, Management

Attachment XVI: Proposed Repeal of FASRG Module 9, Compensatory Education, Guidelines, Financial Treatment, and an Auditing and Reporting System

Attachment XVII: Proposed Repeal of FASRG Module 10, Special Supplement - Charter Schools

Attachment XVIII: Proposed Repeal of FASRG Module 11, Special Supplement - Non-profit Charter Schools Chart of Accounts

Due to the size of Attachments II-XVIII, 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 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.

~~[(a)]~~ The rules for financial accounting are described in the official Texas Education Agency publication [2] Financial Accountability System Resource Guide, dated July 2019 [~~January 2010 (with *Module 4—Auditing* updated April 2012)~~], which is adopted by this reference as the agency's official rule. A copy is 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.

~~[(b)]~~ ~~The commissioner of education shall amend the Financial Accountability System Resource Guide and this section adopting it by reference, as needed. The commissioner shall inform the State Board of Education of the intent to amend the Resource Guide and of the effect of proposed amendments before submitting them to the Office of the Secretary of State as proposed rule changes.]~~

Review of Permanent School Fund Securities Transactions and the Investment Portfolio

April 4, 2019

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

SUMMARY: Investment staff will report on the transactions executed during the months of December 2018 and January 2019 in the investment portfolio of the Texas Permanent School Fund.

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

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

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund as adopted by the SBOE.

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

FUTURE ACTION EXPECTED: This is a recurring report at every committee meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Specific actions that the committee must accomplish are found in 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund.

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

**Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund
for the Months of December 2018 and January 2019**

April 5, 2019

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

SUMMARY: This item provides an opportunity for the committee and board to consider approval of the purchases and sales of investments executed in the portfolio of the Permanent School Fund for the months of December 2018 and January 2019.

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

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

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund as adopted by the State Board of Education (SBOE).

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

PREVIOUS BOARD ACTION: At the January 2019 meeting, the board approved purchases in the amount of \$869,799,322 and sales in the amount of \$874,849,738 conducted in the investment portfolio of the Permanent School Fund for the months of October and November 2018.

BACKGROUND INFORMATION AND JUSTIFICATION: The purchases and sales of the investment portfolio are reviewed by the staff to ensure compliance with the Investment Guidelines, Policies, and Objectives of the Permanent School Fund. The specific amounts of the purchases and sales for the reporting period will be recommended to the board for ratification upon approval by the Committee on School Finance/Permanent School Fund.

PUBLIC BENEFIT: The distribution of the Permanent School Fund will flow to the school districts and reduce the tax burden to the public and the state of Texas.

PUBLIC COMMENTS: None

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

**Report by the State Auditor’s Office on the Audit of the Permanent School Fund’s
Financial Statements and Certification of the Bond Guarantee Program for the Fiscal Year
Ending August 31, 2018**

April 4, 2019

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

SUMMARY: This item provides an opportunity for representatives of the State Auditor’s Office (SAO) to make a presentation regarding the Audit of the Permanent School Fund’s Financial Statements and the certification of the Bond Guarantee Program for the Fiscal Year Ending August 31, 2018.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2 and §5](#); Texas Education Code (TEC) [§45.053\(b\)](#)

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

TEC, §45.053(b) requires the State Auditor’s Office analyze the status of guaranteed bonds and certify that the amount of such bonds is within limits prescribed by law.

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

FUTURE ACTION EXPECTED: None

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code (TEC), §45.053, states that “Each year, the state auditor shall analyze the status of guaranteed bonds as compared to the cost value and market value of the permanent school fund. Based on that analysis, the state auditor shall certify whether the amount of bonds guaranteed is within the limit prescribed by this section.”

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Adoption of an Annual Report on the Status of the Bond Guarantee Program

April 5, 2019

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

SUMMARY: This item provides an opportunity for the committee and board to adopt an annual report on the status of the Bond Guarantee Program.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2 and §5](#); Texas Education Code (TEC), [§45.053\(c\)](#)

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

TEC, §45.053(c) requires the State Board of Education (SBOE) to adopt an annual report on the status of the guaranteed bond program.

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

PREVIOUS BOARD ACTION: None

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code (TEC), §45.053, states that “The commissioner shall prepare, and the board shall adopt an annual report on the status of the guaranteed bond program.”

PUBLIC BENEFIT: The distribution of the Permanent School Fund will flow to the school districts and reduce the tax burden to the public and the state of Texas.

PUBLIC COMMENTS: None

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Fourth Quarter 2018 Permanent School Fund Performance Report

April 4, 2019

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

SUMMARY: The performance measurement consultant to the Permanent School Fund, BNY Mellon Asset Servicing, will report on the investment performance during the fourth calendar quarter 2018 and cumulative investment performance of the various portfolios of the Fund. This item will allow the committee to discuss in-depth various issues related to portfolio management such as risk characteristics of portfolios and portfolio attributes.

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

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

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund as adopted by the SBOE.

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

FUTURE ACTION EXPECTED: None

BACKGROUND INFORMATION AND JUSTIFICATION: An in-depth performance review at the committee level is intended to allow committee members to review not only total return information for each managed portfolio, but to gain a more thorough understanding of the risk characteristics, portfolio attributes, and portfolio structures of each portfolio that all contribute to return.

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Decision on Real Estate Investments

April 5, 2019

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

SUMMARY: This item provides an opportunity for the committee and board to review and consider possible real estate investments.

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

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

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund as adopted by the SBOE.

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

PREVIOUS BOARD ACTION: At the January 2019 meeting, the board approved:

- execution of agreement(s) with Blackstone Real Estate Advisors IX L.P., necessary to make an investment commitment of up to \$75 million in Blackstone Real Estate Partners IX L.P., subject to continued due diligence and negotiation of fund terms, and authorization for contract execution by the Commissioner of Education;
- execution of agreement(s) with KKR Associates RE Asia SCSp, necessary to make an investment commitment of up to \$75 million in KKR Asia Real Estate Partners SCSp, subject to continued due diligence and negotiation of fund terms, and authorization for contract execution by the Commissioner of Education;
- execution of agreement(s) with PAG Special Situations GP III Limited., necessary to make an investment commitment of up to \$75 million in PAG Special Situations Fund III L.P., subject to continued due diligence and negotiation of fund terms, and authorization for contract execution by the Commissioner of Education; and,
- execution of agreement(s) with Rockpoint Real Estate Fund VI GP, L.L.C., necessary to make an investment commitment of up to \$75 million in Rockpoint Real Estate Fund VI, L.P., subject to continued due diligence and negotiation of fund terms, and authorization for contract execution by the Commissioner of Education.

BACKGROUND INFORMATION AND JUSTIFICATION: At the May 2008 meeting, the board selected Courtland Partners as the Permanent School Fund's real estate counsel to provide the expertise and advice related to the investment strategy of the real estate portfolio for the Permanent School Fund.

Following the RFP process in July 2013, the board approved a contract to continue with Courtland Partners as the Permanent School Fund's real estate counsel. At the July 2016 meeting, the board approved an increase in the allocation to 10%.

PUBLIC BENEFIT: The distribution of the Permanent School Fund will flow to the school districts and reduce the tax burden to the public and the state of Texas.

PUBLIC COMMENTS: None

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Review of the Permanent School Fund Real Estate Policy and Tactical Plan

April 5, 2019

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

SUMMARY: This item provides an opportunity for the committee and board to review the real estate policy and tactical plan. The committee may take action based on this information.

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

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

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund as adopted by the SBOE.

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

PREVIOUS BOARD ACTION: At the June 2018 meeting, the board adopted revisions to the real estate annual tactical plan.

BACKGROUND INFORMATION AND JUSTIFICATION: The real estate annual tactical plan was approved at the June 2018 board meeting.

PUBLIC BENEFIT: The distribution of the Permanent School Fund will flow to the school districts and reduce the tax burden to the public and the state of Texas.

PUBLIC COMMENTS: None

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Review of the Permanent School Fund Emerging Market Debt Asset Class

April 5, 2019

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

SUMMARY: This item provides an opportunity for the board to review the emerging market debt asset class.

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

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

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund as adopted by the State Board of Education (SBOE).

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

PREVIOUS BOARD ACTION: At the July 2012 meeting, the board adopted the Permanent School Fund Long-Term Strategic Asset Allocation Plan.

BACKGROUND INFORMATION AND JUSTIFICATION: The board approved an allocation to emerging market debt local currency in July 2012.

PUBLIC BENEFIT: The distribution of the Permanent School Fund will flow to the school districts and reduce the tax burden to the public and the state of Texas.

PUBLIC COMMENTS: None

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Presentation on the Permanent School Fund Private Equity Program Structure

April 5, 2019

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

SUMMARY: This item provides an opportunity for the committee and board to consider options regarding the private equity program structure.

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

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

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund as adopted by the SBOE.

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

PREVIOUS BOARD ACTION: At the September 2015 meeting, the board approved:

- selection of the non-discretionary advisory model as presented by NEPC for phase III of the private equity program; and,
- execution of agreement(s) with Neuberger Berman LLC for (i) a discretionary separate account to invest in private equity co-investments and secondaries; and, (ii) non-discretionary advisory services for primary private equity investments for phase III of the private equity program.

BACKGROUND INFORMATION AND JUSTIFICATION: None

PUBLIC BENEFIT: The distribution of the Permanent School Fund will flow to the school districts and reduce the tax burden to the public and the state of Texas.

PUBLIC COMMENTS: None

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Presentation on the Permanent School Fund Risk Parity Asset Class

April 4, 2019

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

SUMMARY: This item provides an opportunity for the committee to receive presentations on the risk parity asset class and services provided to the Permanent School Fund.

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

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

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund as adopted by the SBOE.

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

FUTURE ACTION EXPECTED: None

BACKGROUND INFORMATION AND JUSTIFICATION: None

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Permanent School Fund Logo Contest Contribution

April 5, 2019

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

SUMMARY: The State Board of Education will consider accepting a donation to cover part of the cost in providing replicas of the winning design in the Permanent School Fund logo contest.

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.102(c)(3)

TEC, §7.102(c)(3) gives the board permission to accept a gift or donation.

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

PREVIOUS BOARD ACTION: The board in 2018 sponsored a contest called “Brand the Fund” in which high school students could submit logo designs for the Permanent School Fund. A total of 442 students submitted 521 unique designs for consideration. The winning design was announced during the February 1 board meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The student who produced the winning design and a graphic artist team who donated their services to facilitate the contest were given small wooden replicas of the winning design. A donation from a board member will help cover part of the cost of the replicas.

MOTION TO BE CONSIDERED: The State Board of Education:

Accept a donation of \$187.38 to help cover the cost of two replicas of the new Permanent School Fund logo.

Staff Members Responsible:

Debbie Ratcliffe, Executive Director, State Board of Education Support

**Report of the Permanent School Fund Executive Administrator and
Chief Investment Officer**

April 4, 2019

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

SUMMARY: The Permanent School Fund executive administrator will report to the committee on matters relating to the management of the Permanent School Fund and the Charter District Reserve Fund. The report may present information on historical and current status of Fund holdings, current and proposed investment policies and procedures, and historical and current Fund performance and compliance. The administrator may update the board on the bond guarantee program, the status of requests for proposal or for qualifications and current contracts for services and other administrative activities undertaken on behalf of the board. The administrator may provide an update on the PSF distribution or on the effect of legislation impacting the PSF. The administrator may provide an analysis of current and future investment market conditions, focusing upon the impact on the holdings of the Permanent School Fund.

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

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

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund as adopted by the SBOE.

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

FUTURE ACTION EXPECTED: None

BACKGROUND INFORMATION AND JUSTIFICATION: None

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

This page has been intentionally left blank.

COMMITTEE ON SCHOOL INITIATIVES

Adoption of Review of 19 TAC Chapter 157, Hearings and Appeals, Subchapter A, General Provisions for Hearings Before the State Board of Education, and Subchapter D, Independent Hearing Examiners
(Adoption of Review)

April 5, 2019

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

SUMMARY: Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the review of 19 TAC Chapter 157, Hearings and Appeals, Subchapter A, General Provisions for Hearings Before the State Board of Education, and Subchapter D, Independent Hearing Examiners. Subchapter A establishes the procedures for appeals heard by the SBOE regarding administrative penalties for violations of textbook requirements. Subchapter D sets forth the certification criteria for independent hearing examiners who conduct due process termination, nonrenewal, and suspension without pay hearings at the school district level.

STATUTORY AUTHORITY: The statutory authority for the rule review is [TGC, §2001.039](#). The statutory authority for 19 TAC Chapter 157, Subchapter A, is Texas Education Code ([TEC](#)), [§31.151](#), and [TGC, §2001.004](#). The statutory authority for Subchapter D is [TEC, §21.252\(a\)](#).

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

TEC, §31.151, and TGC, §2001.004, authorize the adoption of procedural rules to govern SBOE administrative penalty hearings involving textbook publishers.

TEC, §21.252(a), requires the 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.

PREVIOUS BOARD ACTION: The review 19 TAC Chapter 157, Subchapters A and D, was presented to the Committee on School Initiatives at the January-February 2019 board meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Chapter 157, Subchapter A, establishes general rules for contested cases regarding administrative penalties for violations of textbook requirements under the TGC, Chapter 2001, and provides that these contested cases are heard by the State Office of Administrative Hearings (SOAH). The SOAH will make findings of fact and conclusions of law and present a proposal for decision to the SBOE for consideration.

Chapter 157, Subchapter D, specifies certification criteria for independent hearing examiners such as license required, experience, continuing education, and annual recertification. The examiners preside over due process hearings involving terminations, suspensions without pay, and nonrenewal of term employment contracts. The examiners also develop findings of fact and conclusions of law, which are referred to the school district board of trustees. The board of trustees reviews the recommendation and votes on it.

Statute still requires the SBOE to provide a hearing prior to imposing a penalty for violation of TEC, §31.151. Statute still requires the SBOE to establish criteria for the certification of hearing examiners. Therefore, the reasons for initially adopting these provisions continue to exist.

If authorized by the SBOE, the Texas Education Agency (TEA) will file the adopted review with the Texas Register stating that the SBOE finds the reasons for adopting 19 TAC Chapter 157, Subchapters A and D, continue to exist.

ANTICIPATED REVISIONS TO RULES: A proposed amendment to §157.41 is presented for discussion as a separate item in this agenda. The proposed amendment would allow the commissioner of education to take action against the certificate of an independent hearing examiner if the law firm with which the independent hearing examiner is associated meets criteria specified in the rule. This change would align the rule with TEC, §21.252.

PUBLIC COMMENTS: The TEA filed the review of 19 TAC Chapter 157, Subchapters A and D, with the Texas Register following the January-February 2019 SBOE meeting. The public comment period on the proposed review began February 22, 2019 and ended March 29, 2019. At the time this item was prepared, no comments had been received regarding the review. Any public comments received will be provided to the SBOE during the April 2019 meeting. The SBOE will take registered oral and written comments on the proposed review at the committee meeting in April 2019 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Adopt the review of 19 TAC Chapter 157, Hearings and Appeals, Subchapter A, General Provisions for Hearings Before the State Board of Education, and Subchapter D, Independent Hearing Examiners.

Staff Members Responsible:

Von Byer, General Counsel, Legal Services
Christopher Maska, TEA Ethics Advisor, Legal Services

Attachment: Text of 19 TAC Chapter 157, Hearings and Appeals, Subchapter A, General Provisions for Hearings Before the State Board of Education, and Subchapter D, Independent Hearing Examiners

ATTACHMENT
Text of 19 TAC

Chapter 157. Hearings and Appeals

Subchapter A. General Provisions for Hearings Before the State Board of Education

§157.1. Scope and Purpose.

This subchapter shall govern the proceedings in all contested cases before the State Board of Education where:

- (1) notice and opportunity for hearing is expressly required by other law; and
- (2) the hearing is not exempted from the provisions of the Administrative Procedure Act (APA) (Texas Government Code, Chapter 2001).

Statutory Authority: The provisions of this §157.1 issued under Texas Education Code, §31.151, and Texas Government Code, §2001.004.

Source: The provisions of this §157.1 adopted to be effective March 31, 2004, 29 TexReg 3175.

§157.2. Request for Hearing; Transfer to State Office of Administrative Hearings.

- (a) All proceedings under §157.1 of this title (relating to Scope and Purpose) shall be heard by the State Office of Administrative Hearings, pursuant to the procedures set forth in 1 TAC Chapter 155 (relating to Rules of Procedures).
- (b) In cases in which the Texas Education Agency is not the petitioner, petitions for review or requests for hearing shall be filed with the State Board of Education (SBOE) within 30 calendar days after the decision, order, or ruling complained of is first communicated to the petitioner, except as otherwise provided by law or SBOE rule.
- (c) At the time the petitioner files a request for hearing with the SBOE regarding administrative penalties pursuant to the Texas Education Code, §31.151, all parties to the hearing are prohibited from contacting members of the SBOE concerning the factual or legal issues presented in the hearing until a final decision is rendered.

Statutory Authority: The provisions of this §157.2 issued under Texas Education Code, §31.151, and Texas Government Code, §2001.004.

Source: The provisions of this §157.2 adopted to be effective March 31, 2004, 29 TexReg 3175; amended to be effective March 7, 2012, 37 TexReg 1513.

§157.3. Board Consideration and Adoption of Proposal for Decision.

- (a) After the time for filing exceptions and replies to exceptions expires and the proposal for decision is forwarded to the Texas Education Agency, the State Board of Education (SBOE) shall consider the proposal for decision and any exceptions and replies in public session and shall enter a written decision adopting or modifying and adopting the proposed decision or remanding the matter to the State Office of Administrative Hearings for further proceedings.
- (b) No public testimony shall be heard on the question of adopting, modifying, or remanding the proposal for decision. No information other than the record of the proceedings conducted by the administrative law judge, the proposal for decision, and the exceptions and replies of the parties shall be heard, considered, or discussed by the SBOE concerning the contested case.
- (c) All final decisions or orders of the SBOE shall be in writing and signed by the chair, if voting in favor of the decision, or by a member selected by those voting in favor of the decision. A final decision shall include findings of fact and conclusions of law separately stated. Findings of fact, if set forth in statutory

language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

- (d) The decision of the SBOE may incorporate by reference the proposal for decision in whole or in part, and such incorporation by reference may constitute compliance with subsection (c) of this section. If the decision of the SBOE modifies the proposal for decision in any respect, the SBOE shall specify the portions modified and shall set out in full the affected language as modified by the decision of the SBOE.
- (e) Party representatives shall be simultaneously notified either personally, by facsimile transmission, or overnight courier of each decision or order. For purposes of §157.4 of this title (relating to Motions for Rehearing), a party present at a meeting of the SBOE at which a public vote is taken shall be deemed notified of the decision or order on the date of the vote.

Statutory Authority: The provisions of this §157.3 issued under Texas Education Code, §31.151, and Texas Government Code, §2001.004.

Source: The provisions of this §157.3 adopted to be effective March 31, 2004, 29 TexReg 3175; amended to be effective March 7, 2012, 37 TexReg 1513.

§157.4. Motions for Rehearing.

- (a) In the absence of a finding of imminent peril, a motion for rehearing is a prerequisite to a judicial appeal.
- (b) Motions for rehearing will be in conformance with the Texas Government Code, §2001.146.

Statutory Authority: The provisions of this §157.4 issued under Texas Education Code, §31.151, and Texas Government Code, §2001.004.

Source: The provisions of this §157.4 adopted to be effective March 31, 2004, 29 TexReg 3175.

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 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 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 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.
- (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, 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.

Statutory Authority: The provisions of this §157.41 issued under Texas Education Code, §21.252(a).

Source: The provisions of this §157.41 adopted to be effective December 15, 1995, 20 TexReg 9695; amended to be effective September 1, 1997, 22 TexReg 7035; amended to be effective September 1, 1998, 24 TexReg 7783; amended to be effective April 27, 2008, 33 TexReg 3264; amended to be effective March 7, 2012, 37 TexReg 1513; amended to be effective August 27, 2018, 43 TexReg 1854.

**Discussion of Proposed Amendment 19 TAC Chapter 157, Hearings and Appeals, Subchapter D,
Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing
Examiners**

April 4, 2019

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

SUMMARY: This item provides an opportunity for the committee to discuss a proposed amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners. The proposed amendment would allow the commissioner of education to take action against the certificate of independent hearing examiner if it is determined that the law firm with which the independent hearing examiner is associated, during the time the independent hearing examiner has been certified, meets specified criteria.

STATUTORY AUTHORITY: Texas Education Code (TEC), [§21.252](#).

TEC, §21.252, requires the State Board of Education (SBOE), in consultation with the State Office of Administrative Hearings, by rule to establish criteria for certifying independent hearing examiners who conduct hearings under the TEC, Chapter 21, Subchapter F.

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

FUTURE ACTION EXPECTED: The proposed amendment to 19 TAC §157.41 will be presented for first reading and filing authorization at the June 2019 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: TEC, §21.252(a), requires the SBOE to establish certification criteria for independent hearing examiners. Section 157.41 of the administrative code specifies certification criteria such as license required, experience, continuing education, and annual recertification for independent hearing examiners. The examiners preside over due process hearings involving terminations, suspensions without pay, and nonrenewal of term employment contracts. The examiners also develop findings of fact and conclusions of law, which are referred to the school district board of trustees.

Currently, §157.41 specifies that the commissioner may take action against the certificate of an independent hearing examiner if it is determined that the independent hearing examiner, 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. The proposed amendment would specify in subsection (1) that the commissioner may also take action against the certificate of an independent hearing examiner if it is determined that the law firm which the independent hearing examiner is associated meets any of the same criteria. This change would align the rule with TEC, §21.252.

Staff Members Responsible:

Von Byer, General Counsel, Legal Services

Christopher Maska, Director, Hearing and Appeals, Legal Services

Attachment:

Discussion 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 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 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 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.
- (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 24 Application Updates

April 4, 2019

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

SUMMARY: The director of the Division of Charter School Administration will discuss updates regarding the Generation Twenty-Four Open-Enrollment Charter Application cycle.

STATUTORY AUTHORITY: Texas Education Code ([TEC](#)), [§12.110](#)

TEC, §12.110, requires an application form and process to be created and followed when awarding new charters.

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

FUTURE ACTION EXPECTED: In June 2019 the committee and board will have an opportunity to review and take action or no action on the commissioner's list of proposed Generation Twenty-Four Subchapter D Open-Enrollment Charter Schools scheduled to open in school year 2020-2021.

BACKGROUND INFORMATION AND JUSTIFICATION: The State Board of Education 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 Twenty-Four application.

Applications for the Open-Enrollment Charter School, also known as Subchapter D, Generation 24 cycle were due on Friday, January 4, 2019. Twenty-nine applications were submitted by the deadline and deemed complete, and 26 have advanced to external review.

Public information concerning open-enrollment charter schools is available at the Charter Schools – Subchapter D Charters page of the Texas Education Agency's website (<https://tea.texas.gov/charterapp.aspx>). The Generation 24 application and required attachments are linked from that page.

Staff Members Responsible:

Martin Winchester, Deputy Commissioner, Educator and Systems Support

Joe Siedlecki, Associate Commissioner, School Improvement, Innovation, and Charter Schools

Heather Mauzé, Director, Charter School Administration

Separate Exhibit: Open-Enrollment Charter School Generation Twenty-Four Application

**Recommendation for Appointments to the
Boys Ranch Independent School District Board of Trustees**

April 5, 2019

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

SUMMARY: This item provides an opportunity for board consideration of two appointments to the board of trustees of the Boys Ranch Independent School District. The appointments are necessary due to the expiration of the term of office for two board members.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.352, and 19 Texas Administrative Code (TAC) §61.2.

TEC, §11.352 gives the State Board of Education the authority to appoint trustees for every special purpose school district.

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

PREVIOUS BOARD ACTION: No previous board action has occurred on this item.

BACKGROUND INFORMATION AND JUSTIFICATION: The State Board of Education is statutorily authorized to appoint board members for independent school districts created under its former authority to establish school districts. Trustees so appointed shall hold office until their successors are appointed and qualified.

The following process is followed when selecting a board member for the Boys Ranch Independent School District Board of Trustee:

- Trustee submits notice of resignation to the school board president.
- School board president advises the chief executive officer of Cal Farley's Boys Ranch of resignation and potential replacements.
- CEO of Cal Farley's considers potential candidates based on their general understanding of the mission of Cal Farley's and the purpose of the Boys Ranch Independent School District, as well as experience in non-profit business, social services, and/or education.
- CEO of Cal Farley's discusses potential candidates with the BRISD school board president, and they come to an agreement on a suitable candidate.
- CEO interviews and discusses potential appointment with the trustee candidate.
- Assuming the candidate desires the position, CEO of Cal Farley's submits recommended candidate to the State Board of Education.

Recently, Dan Adams, President and Chief Executive Officer of Cal Farley's Boys Ranch, has notified the commissioner of two vacancies which exists on the board of trustees of the Boys Ranch Independent School District. The vacancies are due to the expiration of the term of office of Ms. Jacque Branch and Mr. Ken Teel. The CEO has requested that Ms. Jacque Branch and Mr. Ken Teel be re-appointed to fill the vacancies. Supporting documentation on the recommended candidates is included.

PUBLIC AND COST TO PERSONS: Both the public and the students will benefit by having a qualified individual appointed to the board of trustees.

PUBLIC COMMENTS: No public comments are presented.

MOTION TO BE CONSIDERED: The State Board of Education:

Based on President Dan Adams' recommendation approve the re-appointments of Ms. Jacque Branch and Mr. Ken Teel to serve a two-year term of office, from April 21, 2017 to April 20, 2019, on the Boys Ranch Independent School District Board of Trustees.

Staff Member Responsible:

Jason Hewitt, Director of Monitors & Conservators, Special Investigations

Attachment: Correspondence from Mr. Dan Adams, President and Chief Executive Officer of Cal Farley's Boys Ranch, which includes biographical information and supporting material for the nominees

CAL FARLEY'S



BOYS RANCH

February 27, 2019

CERTIFIED #7018 1830 0001 9046 7766

Mr. Jason Hewitt
Governance
Texas Education Agency
1701 N. Congress Avenue
Austin, Texas 78701

Dear Mr. Hewitt:

Jeff Cottrill has informed me that he did not receive the enclosed correspondence mailed to his attention on February 12 and asked that I re-send the documents to your attention via email and USPS.

We have enclosed duplicate correspondence regarding reappointment requests on behalf of Kenneth Teel and Jacque Branch to the Boys Ranch Independent School District Board of Trustees as follows:

- letter to Jeff Cottrill from me dated February 12, 2019;
- letter to Commissioner Mike Morath from Dan Adams dated February 12, 2019;
- Mr. Teel's background checks from the DPS and DFPS
- Ms. Branch's background checks from the DPS and DFPS
- Mr. Teel's resume and "Statement to Accompany"
- Ms. Branch's resume and "Statement to Accompany"

We appreciate your assistance in including these re-appointment requests for approval at the April meeting of the State Board of Education. Once you receive this correspondence, please call or email: 806-322-2643 sandrasargus@calfarley.org

Sincerely,



Sandra Sargus
Executive Assistant to the
President and Chief Executive Officer

Enclosures

IV-15

Cal Farley's provides professional programs and services in a Christ-centered atmosphere to strengthen families and support the overall development of children.

CAL FARLEY'S

CELEBRATING
80
YEARS
1939-2019

BOYS RANCH

February 12, 2019

Mr. Jeffrey Cottrill
Director, School Governance
Texas Education Agency
1701 North Congress Street
Austin, Texas 78701-1494

Dear Jeffrey,

We have enclosed correspondence from Cal Farley's Boys Ranch President and CEO, Dan Adams, to Commissioner Morath requesting reappointment of **Ken Teel** and **Jacque Branch** to the Cal Farley's Boys Ranch Independent School District Board of Trustees at the April 2019 meeting of the State Board of Education.

Also enclosed are Mr. Teel's and Ms. Branch's most recent background checks from the DPS and DFPS; resumes; and signed and dated "Statements to Accompany."

We appreciate your assistance in processing this request for presentation at the April 2019 meeting of the State Board of Education. If you have any questions or require additional information, please call or email me at 806-322 2643 or sandrasargus@calfarley.org.

Sincerely,



Sandra Sargus
Executive Assistant to the
President and Chief Executive Officer

Enclosures

IV-16

Cal Farley's provides professional programs and services in a Christ-centered atmosphere to strengthen families and support the overall development of children.

CAL FARLEY'S

CELEBRATING
80
YEARS
1939-2019

BOYS RANCH

February 12, 2019

Mr. Mike Morath
Commissioner
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

Dear Mr. Morath:

In my current capacity as President and Chief Executive Officer of Cal Farley's Boys Ranch, I request that the State Board of Education, at its April 2019 meeting, reappoint **Mr. Ken Teel and Ms. Jacque Branch** to the Boys Ranch Independent School District (BRISD) Board of Trustees. Mr. Teel and Ms. Branch are qualified under Texas law and meet all requirements.

Mr. Teel's and Ms. Branch's resumes are enclosed, along with signed statements expressing their willingness to accept the appointment and serve in full adherence to the state-established standards for school board members and certifying that the biographical information is true and correct. Also enclosed are background checks from the Texas Department of Family and Protective Services and the Texas Department of Public Safety.

I understand the BRISD Board of Trustees has the power to govern and oversee management of the district, and my power is limited to duty as defined by statutes relating to the process of appointing members to the BRISD Board of Trustees. I also certify that the membership composition of the BRISD Board of Trustees is in full compliance with the provisions of the Texas Education Code, Section 11.352. I further certify that the role of the BRISD superintendent is in full compliance with the provisions of the Texas Education Code, section 11.201.

Should you have any questions, please contact me at 806-322-2609 or via e-mail at danadams@calfarley.org.

I appreciate your consideration and look forward to confirmation of this appointment.

Sincerely,



Dan Adams
President and Chief Executive Officer

Enclosures

DA:sjs

IV-17

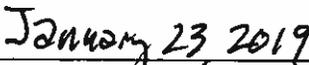
Cal Farley's provides professional programs and services in a Christ-centered atmosphere to strengthen families and support the overall development of children.

STATEMENT TO ACCOMPANY
BOYS RANCH INDEPENDENT SCHOOL DISTRICT
SCHOOL BOARD TRUSTEE APPOINTMENT REQUEST
FOR
Kenneth L. Teel

I, Kenneth L. Teel, 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.



Kenneth L. Teel (signature)



Date

Kenneth L. Teel
7725 Whippoorwill Lane
Amarillo, TX 79121
(806) 352-5129
barbandken2@yahoo.com

Ken Teel is an active community volunteer with a strong interest in youth development. He served the Cal Farley Boys Ranch organization as a corporate vice president for five years, initially with responsibility for youth programs, admissions, and public relations. He completed his service as vice president for development, supervising the fund raising and public relations activities in support of three campuses in the Texas Panhandle.

Since his retirement in 2000, he has remained involved with youth activities at Boys Ranch and with students in Amarillo area high schools. A member of the Amarillo South Rotary Club, he is the club's Service Committee Chair and a representative on the Steering Committee of the Mentoring Program for high school students sponsored by the Rotary Clubs of Amarillo and the Amarillo Women's Network. He has been a mentor for high school students for more than 15 years.

Teel has substantial experience in complex issues, gained through nearly thirty years as a commissioned officer in the US Army with emphasis on training and education. He served two tours of duty for a total of seven years in the Federal Republic of Germany, including assignment as Deputy Chief of Staff for V Corps, a command responsible for the war-fighting preparedness of more than 60,000 soldiers and the accommodation of those soldiers and their families with the host country. He served two tours of duty in the Republic of Vietnam as an advisor to South Vietnamese infantry commanders in combat and in a staff position with the 101st Airborne Division.

He taught English literature at the United States Military Academy at West Point, NY, for three years. Later as Commander of the School Brigade at Fort Benning, Georgia, he supervised operations of the Army's Officer Candidate School, the Airborne School, and the Infantry Officer Basic Course for newly commissioned infantry officers.

Teel earned a Bachelor of Arts with a major in journalism from the University of Oklahoma and was commissioned as an officer through the ROTC program. He received a Master of Arts degree from Indiana University in preparation for duties on the faculty of the USMA. He is a graduate of the Army's Command and General Staff College and the National War College.

He and his wife Barbara are members of Redeemer Christian Church in Amarillo. They have a daughter and a son and six grandchildren.



TEXAS

Health and Human Services

Background Check Request Confirmation

Currently logged in as: [bovsranch](#) [\[Logout\]](#)

Request Background Check Confirmation

Please verify that the information you have entered is accurate by reviewing the person's identification documents. If you are sure the information is correct to the best of your knowledge, review the authorization statement below and submit the request. **You may wish to print this page for your records.** For additional information regarding background checks, see http://www.dfps.state.tx.us/Background_Checks/FAQ/faq_licensing.asp

Operation Name: **Cal Farley's Boys Ranch**
Operation Number: **1639**
E-mail Address: **dianaevans@calfarley.org**

Type of check: **Initial**
FBI Check Required: **No**
Name: **Kenneth Leon Teel**
SSN: **441-38-9507**
ID Type: **Driver's License**
ID #: **05887588**
ID State: **Texas**
Date of Birth: **07/26/1939**
Gender: **Male**
Address: **7725 WHIPPOORWILL LN
AMARILLO, TX 79121 -1507**
Address Validation Status: **Validated**
Person's Contact Method for
Fingerprint Scheduling: **Phone**
Email: **barbandken2@yahoo.com**
Home Phone #: **(806) 352-5129**
Person's role at operation: **Visitor**

Other Cities of Residence in
Texas:

Out-of-State Residence in the
US in the Last 5 Years:

Previous Address:

Date of Hire:

Will this person be paid or is
this person currently paid by
the operation in the role
selected?:

No

Ethnicity:

Not Hispanic

Race:

American Indian/Alaskan Native Asian Black
 Native Hawaiian/Pacific Islander White Unable to Determine

Alternate Names:

By checking the preceding box, you verify that you are the director, owner, or operator of the child care facility submitting this request, and that you have verified (**by looking at the person's social security card and/or driver's license/state-issued ID**) that the information on this form contains no willful misrepresentation and that the information given is true and complete to the best of your knowledge. You understand that the Department may contact others and, at any time, seek proof of any information contained here. You understand that any willful misrepresentation or failure to provide identifying information within the stated time limit is a cause for denial of the application or revocation of your license, registration or listing.

Confirm Request

Diana Evans

From: CLASS <CLASSProject@dfps.state.tx.us>
Sent: Thursday, September 20, 2018 8:07 AM
To: Diana Evans
Subject: #1639 Cal Farley's Boys Ranch - Cleared DPS Criminal History Check

This is a system-generated mail. Please do not respond to this email address.

09/20/2018

Cal Farley's Boys Ranch
Operation #1639

Background Check Results: DPS

A name-based background check that the Texas Department of Public Safety (DPS) conducted using its criminal history database indicates that the person listed below is cleared of any criminal history in Texas as of the date of this email:

Kenneth Leon Teel

Additional Information:

Other background check requests may still be pending for this person. The background check will not be complete until you receive notification of the results for each type of check that you requested for this person. In addition to this DPS criminal history result, these types of checks include:

- A Department of Family and Protective Services (DFPS) Central Registry abuse/neglect history check, generated for all background check requests
- An FBI fingerprint-based criminal history check, if your operation requested one for this person

The Centralized Background Check Unit (CBCU) conducted this background check in compliance with, and as required by, Child Care Licensing minimum standards, rules, and other relevant Texas and federal law.

For your information, our records indicate that the following child care operations have submitted a background check request on this person.

CAL FARLEY'S BOYS RANCH on 09/20/2018

If you want the background check results to go to an e-mail address other than the one currently receiving this notification, please update the contact information in your Child-Care Provider account.

If you do not have an account or are unable to access it, contact your Licensing representative or CBCU representative to report the updated e-mail address.

NOTICE: If you decide not to hire this person, or if the person is no longer employed by, living at, or affiliated with your operation, please notify your CBCU representative so that we can update our records.

If you have any questions regarding any background checks that were requested by your operation, please contact your CBCU representative.

If you do not know who your CBCU representative is, you may contact the CBCU Support line at 800-645-7549.

Thank you,

The Centralized Background Check Unit

Diana Evans

From: CLASS <CLASSProject@dfps.state.tx.us>
Sent: Thursday, September 20, 2018 10:12 PM
To: Diana Evans
Subject: #1639 Cal Farley's Boys Ranch - Cleared DFPS Central Registry Check

This is a system-generated mail. Please do not respond to this email address.

09/20/2018

Cal Farley's Boys Ranch
Operation #1639

Background Check Results: Central Registry

The Centralized Background Check Unit (CBCU) completed its check of the Department of Family and Protective Services (DFPS) Central Registry abuse/neglect history database on the person listed below. As of the date of this email, this person does not have Central Registry history in Texas that would preclude the person from being present in a child care operation while children are in care:

Kenneth Leon Teel

Additional Information:

Other background check requests may still be pending for this person. The background check will not be complete until you receive notification of the results for each type of check that you requested for this person. In addition to this Central Registry history result, these types of checks include:

- An FBI fingerprint-based criminal history check, if your operation requested one for this person
- A Texas Department of Public Safety (DPS) name-based criminal history check, if an FBI fingerprint-based criminal history check is not required

The CBCU conducted this background check in compliance with Child Care Licensing minimum standards, rules, and other relevant Texas and federal law.

For your information, our records indicate that the following child care operations have submitted a background check request on this person.

CAL FARLEY'S BOYS RANCH on 09/20/2018

If you want the background check results to go to an e-mail address other than the one currently receiving this notification, please update the contact information in your Child-Care Provider account.

If you do not have an account or are unable to access it, contact your Licensing representative or CBCU representative to report the updated e-mail address.

NOTICE: If you decide not to hire this person, or if the person is no longer employed by, living at, or affiliated with your operation, please notify your CBCU representative so that we can update our records.

If you have any questions regarding any background checks that were requested by your operation, please contact your CBCU representative.

If you do not know who your CBCU representative is, you may contact the CBCU Support line at 800-645-7549.

Thank you,
The Centralized Background Check Unit

STATEMENT TO ACCOMPANY
BOYS RANCH INDEPENDENT SCHOOL DISTRICT
SCHOOL BOARD TRUSTEE APPOINTMENT REQUEST
FOR
Jacque Branch

I, Jacque Branch, verify that I am qualified under the general school laws of Texas to be a BRISD School Board Trustee. I certify that the attached biographical information is true and correct. I am willing to accept the appointment as BRISD School Board Trustee and serve in such capacity with full adherence to the state-established standards for the duties and responsibilities of school board members.



Jacque Branch (signature)

1-24-19

Date

Jacque Branch

Vice President & Trust Officer, Amarillo National Bank

Professional Designation

Certified Trust & Financial Advisor

Education

B.B.A. in Finance, West Texas State University, 1989

Texas Bankers Association Texas Trust School II, 2001

Cannon Financial Institute Trust School I, May 2002

Cannon Financial Institute Trust School II, January 2003

Cannon Financial Institute Trust School III, October 2003

Experience

Amarillo National Bank, 1989 to Present:

Currently responsible for fiduciary administration of estates, trusts and investment management accounts. Assist clients with estate planning, tax planning, retirement planning and financial planning.

Vice President and Trust Officer, 2005 - present

Assistant Vice President and Trust Officer, 2001 - 2005

Trust Officer, Assistant Operations Manager, 1998 - 2001

Investment Assistant, 1994 - 1998

Personal Trust Assistant, 1990 - 1994

Credit Analyst, 1989 - 1990

Community Involvement

Member and Past President Amarillo Area Estate Planning Council

West Texas A&M University Foundation Professional Advisory Council

Prior involvement with United Way of Amarillo, Canyon –

Community Investment Committee



TEXAS

Health and Human Services

Background Check Request Confirmation

Currently logged in as: [boysranch](#) ([Logout](#))

Request Background Check Confirmation

Please verify that the information you have entered is accurate by reviewing the person's identification documents. If you are sure the information is correct to the best of your knowledge, review the authorization statement below and submit the request. **You may wish to print this page for your records.** For additional information regarding background checks, see http://www.dfps.state.tx.us/Background_Checks/FAQ/faq_licensing.asp

Operation Name:	Cal Farley's Boys Ranch
Operation Number:	1639
E-mail Address:	dianaevans@calfarley.org
Type of check:	Initial
FBI Check Required:	No
Name:	Jacque Ruth Branch
SSN:	525-43-7189
ID Type:	Driver's License
ID #:	13798180
ID State:	Texas
Date of Birth:	11/08/1967
Gender:	Female
Address:	102 QUAIL BLVD AMARILLO, TX 79124 -7810
Address Validation Status:	Validated
Person's Contact Method for Fingerprint Scheduling:	Email
Email:	jacqueb@suddenlink.net
Home Phone #:	(806) 373-0337
Person's role at operation:	Visitor Canyon

Other Cities of Residence in
Texas:

Out-of-State Residence in the
US in the Last 5 Years:

Previous Address:

Date of Hire:

Will this person be paid or is
this person currently paid by
the operation in the role
selected?:

No

Ethnicity:

Not Hispanic

Race:

American Indian/Alaskan Native Asian Black
 Native Hawaiian/Pacific Islander White Unable to Determine

Alternate Names:

Jacque Ruth Polk

By checking the preceding box, you verify that you are the director, owner, or operator of the child care facility submitting this request, and that you have verified (**by looking at the person's social security card and/or driver's license/state-issued ID**) that the information on this form contains no willful misrepresentation and that the information given is true and complete to the best of your knowledge. You understand that the Department may contact others and, at any time, seek proof of any information contained here. You understand that any willful misrepresentation or failure to provide identifying information within the stated time limit is a cause for denial of the application or revocation of your license, registration or listing.

Confirm Request

Diana Evans

From: CLASS <CLASSProject@dfps.state.tx.us>
Sent: Friday, September 14, 2018 10:25 PM
To: Diana Evans
Subject: #1639 Cal Farley's Boys Ranch - Cleared DFPS Central Registry Check

This is a system-generated mail. Please do not respond to this email address.

09/14/2018

Cal Farley's Boys Ranch
Operation #1639

Background Check Results: Central Registry

The Centralized Background Check Unit (CBCU) completed its check of the Department of Family and Protective Services (DFPS) Central Registry abuse/neglect history database on the person listed below. As of the date of this email, this person does not have Central Registry history in Texas that would preclude the person from being present in a child care operation while children are in care:

Jacque Ruth Branch

Alternate Names:

Jacque Ruth Polk

Additional Information:

Other background check requests may still be pending for this person. The background check will not be complete until you receive notification of the results for each type of check that you requested for this person. In addition to this Central Registry history result, these types of checks include:

- An FBI fingerprint-based criminal history check, if your operation requested one for this person
- A Texas Department of Public Safety (DPS) name-based criminal history check, if an FBI fingerprint-based criminal history check is not required

The CBCU conducted this background check in compliance with Child Care Licensing minimum standards, rules, and other relevant Texas and federal law.

For your information, our records indicate that the following child care operations have submitted a background check request on this person.

CAL FARLEY'S BOYS RANCH on 09/13/2018

If you want the background check results to go to an e-mail address other than the one currently receiving this notification, please update the contact information in your Child-Care Provider account.

If you do not have an account or are unable to access it, contact your Licensing representative or CBCU

representative to report the updated e-mail address.

NOTICE: If you decide not to hire this person, or if the person is no longer employed by, living at, or affiliated with your operation, please notify your CBCU representative so that we can update our records.

If you have any questions regarding any background checks that were requested by your operation, please contact your CBCU representative.

If you do not know who your CBCU representative is, you may contact the CBCU Support line at 800-645-7549.

Thank you,
The Centralized Background Check Unit

Diana Evans

From: CLASS <CLASSProject@dfps.state.tx.us>
Sent: Thursday, September 13, 2018 4:08 PM
To: Diana Evans
Subject: #1639 Cal Farley's Boys Ranch - Cleared DPS Criminal History Check

This is a system-generated mail. Please do not respond to this email address.

09/13/2018

Cal Farley's Boys Ranch
Operation #1639

Background Check Results: DPS

A name-based background check that the Texas Department of Public Safety (DPS) conducted using its criminal history database indicates that the person listed below is cleared of any criminal history in Texas as of the date of this email:

Jacque Ruth Branch

Alternate Names:

Jacque Ruth Polk

Additional Information:

Other background check requests may still be pending for this person. The background check will not be complete until you receive notification of the results for each type of check that you requested for this person. In addition to this DPS criminal history result, these types of checks include:

- A Department of Family and Protective Services (DFPS) Central Registry abuse/neglect history check, generated for all background check requests
- An FBI fingerprint-based criminal history check, if your operation requested one for this person

The Centralized Background Check Unit (CBCU) conducted this background check in compliance with, and as required by, Child Care Licensing minimum standards, rules, and other relevant Texas and federal law.

For your information, our records indicate that the following child care operations have submitted a background check request on this person.

CAL FARLEY'S BOYS RANCH on 09/13/2018

If you want the background check results to go to an e-mail address other than the one currently receiving this notification, please update the contact information in your Child-Care Provider account.

If you do not have an account or are unable to access it, contact your Licensing representative or CBCU representative to report the updated e-mail address.

NOTICE: If you decide not to hire this person, or if the person is no longer employed by, living at, or affiliated with your operation, please notify your CBCU representative so that we can update our records.

If you have any questions regarding any background checks that were requested by your operation, please contact your CBCU representative.

If you do not know who your CBCU representative is, you may contact the CBCU Support line at 800-645-7549.

Thank you,

The Centralized Background Check Unit

INFORMATION MATERIALS

STATE BOARD OF EDUCATION OPERATING RULES
(Amended January 28, 2019)

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 in accordance with Texas Education Code, §7.107, to serve for a term of two years and until their successors are elected.
 - (2) In case of death or resignation of the vice chair or the secretary of the board, the board shall elect a board member to fill the vacancy for the unexpired term of that officer at the next board meeting. Either of these officers may be removed from office by a vote of not less than two-thirds of the membership of the board.
- (b) Duties.
- (1) Chair. The chair shall preside at meetings and perform all other duties prescribed by law, by board rule, or by board direction.
 - (2) Vice chair. The vice chair shall perform the duties of the chair in case of absence or disability of the chair and other duties as the chair may request. Should the office of the chair become vacant, the vice chair shall serve as chair until a successor has been appointed by the governor.
 - (3) Secretary. The secretary shall perform all duties as required by law and such other duties as the chair may request.

§1.2. Committees of the Board.

- (a) The standing committees of the board and their areas of oversight are:

Committee of the Full Board

1. Public testimony
2. Establishment of essential knowledge and skills (TEKS)
3. Adopt instructional materials

Committee on Instruction

1. Establishment of curriculum and graduation requirements
2. Curriculum implementation (including procedures concerning dyslexia and related disorders)
3. Instructional materials proclamations
4. Student assessment program implementation

5. General education
6. Education of individuals with disabilities
7. Gifted and talented education
8. Adult education
9. Library standards
10. Texas School for the Blind and Visually Handicapped/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. Review commissioner’s annual FSP budget
6. Community education funding
7. Oversight of the Bond Guarantee Program
8. Permanent School Fund management oversight, including audit responsibility, investment objectives, and investment decisions

Committee on School Initiatives

1. Long-range plans required by statute
 2. Educational technology and telecommunications
 3. Review and evaluation of charter school applications, revisions, and amendments the commissioner of education proposes to grant
 4. State Board for Educator Certification rules review
 5. School board member training policy
 6. Hearing examiners
 7. Military reservation and special school districts
 8. Extracurricular activities
 9. Home-rule school district probation and revocation
- (b) Amendments to the areas of committee oversight reflecting new or changing board responsibilities may be made during the board’s periodic operating rules review or by means of resolution addressing the change in responsibilities should such change occur between the operating rules review.
- (c) Committees may receive information, investigate, study and report to the board. The board may from time to time define by resolution the areas of oversight of each committee as may be necessary. Each committee shall review and make recommendations on the board agenda items falling under its areas of oversight; except that the chair of the board, in consultation with the respective committee chair, may designate any board agenda item for review and recommendation by the Committee of the Full Board.
- (d) The Committee of the Full Board shall be composed of all members of the board, and the chair of the board shall be the chair of the Committee of the Full Board.
- (e) The Committees on Instruction, School Finance/Permanent School Fund, and School Initiatives shall be composed of five members selected by the officers of the board. Each member will serve on one committee in addition to the Committee of the Full Board. The

officers of the board shall request in writing the committee choices of the members ranked in order of preference and shall make committee assignments in the public view for terms of two years at the organizational meeting after the qualification of new members as the next order of business following election of board officers and adoption of rules. Vacancies shall be filled in a similar fashion. In addition to preference, the officers of the board shall also consider seniority (total years of service), ethnicity balance, gender balance, and relevant qualifications specific to a committee assignment in making committee assignments. Each committee shall elect a chair from among its members and the chair may appoint a vice chair. An officer of the board is not eligible to serve as the chair of a standing committee.

- (f) Ad hoc committees. Ad hoc committees (i.e., task forces) may be constituted from time to time as directed by a vote of the board or by the chair to perform such duties as the board or chair may assign. The personnel and length of service of ad hoc committees shall be designated by the chair unless otherwise directed by a vote of the board. No action taken by any ad hoc committee shall be final or binding upon the board unless otherwise directed by a vote of the board.
- (g) From time to time 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 the Division of State Board of Education Support and shall be reflected in the minutes of the committee meeting. The Chair or the Commissioner may request the Attorney General to issue an opinion under Texas Government Code §402.042.

§1.3. Board Member Seating Selection.

With the exception of the chair, vice chair, and secretary, the seating of board members will be by State Board of Education districts. The seating for the remaining 12 members will be rotated annually at the first board meeting of the calendar year. Any member with a special need may exchange seats with another board member who is in agreement with that exchange.

CHAPTER 2. MEETINGS

The statutory citations for this chapter are the Texas Education Code, §§7.055, 7.106, 7.107, 7.110, and 39.030, and the Texas Government Code, Title 5, Open Government; Ethics, Subtitle A, Open Government, Chapter 551, Open Meetings.

§2.1. Regular Meetings of the Board.

In accordance with Texas Education Code, §7.106, four regular meetings of the board a year shall be held in Austin, Texas. If a quorum is not present for a meeting, the meeting shall be recessed or adjourned and all items on the agenda shall be heard at a subsequent meeting.

§2.2. Special Meetings of the Board.

Special meetings of the board may be held at times and places as ordered by the chair during a regular meeting, or special meetings may be called by the chair of the board to be held at a time and place the chair shall designate.

§2.3. Open Meetings.

Regular, special, and committee meetings of the board shall be open to the public; however, the board or board committees may meet in executive session in accordance with law and these rules. Open meetings of the board and standing committees shall be broadcast live over the Internet.

§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 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. Other than as is provided in subsection (b) and (c), all agenda items are subject to the approval of the chair of the board. Materials supplementing the agenda may be included. Official agendas will be available the day of the board 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, other than the Committee of the Full Board, place an item on the agenda of that chair's committee, 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 of 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.

§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 videoconference call. 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 videoconference locations in the interest of decorum and teleconference capacity.
- (c) No posters, props, or other visual displays are allowed by board members within the meeting rooms without permission from the presiding chair.

§2.7. Rules of Order.

- (a) The board shall observe *Robert's Rules of Order, Newly Revised*, except as otherwise provided by board rules or by statute.
- (b) The presiding chair shall preserve order and decorum during meetings. In case of disturbance or disorderly conduct in the public gallery, the chair may order that any disruptive individuals be cleared from the area.
- (c) No signs, placards, flags, noisemakers, or other objects of a similar nature shall be permitted in the audience gallery area.
- (d) No applause, outburst or other demonstration by any spectator shall be permitted during the public testimony, public hearing or debate portion of any State Board of Education meeting. After warnings to the audience to refrain from such demonstrations, the presiding chair may direct that disruptive individuals in the gallery area be removed as necessary to preserve decorum during meetings.

- (e) Supporters of a testifier may not gather behind the podiums used for testimony. Testifiers are free to use a portion of their testimony time to acknowledge supporters seated in the audience.

§2.8. Minutes.

The official minutes of the board shall be kept by the office of the commissioner of education or the commissioner's designee and shall be available to any citizen desiring to examine them. Official minutes are those which the board has approved and which carry the original signature of the secretary of the board.

§2.9. Resolutions.

- (a) A member wishing to offer a resolution shall give notice of the resolution by submitting a copy to the chair and the Division of State Board of Education Support 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 at 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(c).
 - (3) Nothing in the resolution shall be construed to replace or modify any final action taken by the board under 19 TAC Chapter 66.
 - (4) The board may adopt a resolution expressing an opinion related to instructional materials based on the following criteria:
 - (A) Instructional materials should present the most current factual information accurately and objectively without editorial opinion or bias by the authors. Theories should be clearly distinguished from fact and presented in an objective educational manner.

- (B) Instructional materials should promote citizenship, patriotism, understanding of the essentials and benefits of the free enterprise system, respect for recognized authority, and respect for individual rights. The materials should not include selections or works that encourage or condone civil disorder, social strife, or disregard of the law. Violence, if it appears, should be treated in the context of its cause and consequence. It should not appear for reasons of unwholesome excitement or sensationalism.
 - (i) Instructional materials should present positive aspects of the United States and its heritage.
 - (ii) When significant political or social movements in history generate no clear consensus, instructional materials should present balanced and factual treatment of the positions.
 - (iii) Free enterprise means an economic system characterized by private or corporate ownership of capital goods; investments that are determined by private decision rather than by state control; and prices, production, and the distribution of goods that are determined in a free market.
- (C) Instructional materials should not include blatantly offensive language or illustrations.
- (D) Instructional materials should treat divergent groups fairly without stereotyping and reflect the positive contributions of all individuals and groups to the American way of life. Illustrations and written materials should avoid bias toward any particular group or individual and present a wide range of goal choices. Particular care should be taken in the treatment of ethnic groups, issues related to the aging and aged, roles of men and women, the dignity of workers, and respect for the work ethic.
 - (i) Instructional materials should not encourage life-styles deviating from generally accepted standards of society.
 - (ii) Instructional materials should provide an objective view of cultural confluence and include information needed to develop mutual understanding and respect among all elements of our population. Materials should reflect an awareness that culture and language variation does exist and can be used to promote successful learning.
 - (iii) Instructional materials should present examples of men and women participating in a variety of roles and activities and also shall present the economic, political, social, and cultural contributions of men and women, past and present.
 - (iv) Instructional materials that treat aspects of the world of work should reflect the positive contributions of all types of careers to the American economic system and way of life. People presented should reflect varieties of work and be treated without bias toward particular kinds of work.

- (v) Instructional materials should present traditional and contemporary roles of men, women, boys, and girls.
 - (vi) Instructional materials should present balanced treatment of issues related to aging and the aged.
- (5) A representative of the publisher of the specific instructional material shall be given the opportunity to address the board prior to action by the board on such a resolution.
 - (6) A copy of any resolution passed by the board expressing an opinion related to specific instructional material shall be provided to the board president and superintendent of each school district in Texas.

§2.10. Oral Public Testimony in Connection with Regular Board and Committee Meetings.

(a) General Provisions.

- (1) The board shall provide opportunity for oral public testimony at regular committee meetings, special meetings, and at regularly scheduled meetings of the State Board of Education.
- (2) Work session and ad hoc committee meetings are exempt from this requirement.
- (3) The presiding chair shall take appropriate action to avoid unduly repetitious testimony.
- (4) The presiding chair shall assure that members of the public with differing viewpoints have reasonable access to address the board and take steps to ensure that individuals will be given priority over registered lobbyists.
- (5) The presiding chair shall determine which speakers will be heard and the order in which they will be heard if the number exceeds that number which may reasonably be expected to testify in the allotted time for presentations. The presiding chair shall also determine whether speakers who did not register or who registered late will be heard and whether persons asking to testify as a substitute for a registered speaker may do so.
- (6) The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.

(b) Registration Procedures.

- (1) Individuals may register between the hours of 8 a.m. on the Friday preceding the board meeting and 5 p.m. (Central Time) on the Monday preceding the board meeting on the agency website at <https://tea.texas.gov/PublicTestimonySBOE/>, or by facsimile at (512) 936-4319, or, during normal operating hours, by telephone at (512) 463-9007 or in person at the William B. Travis (WBT) State Office Building, 1701 N. Congress, room 1-109, Austin, Texas 78701.

- (2) The speaker shall provide his or her name and organizational affiliation, if any, contact telephone number, mailing address, email address, and indicate which item or topic the speaker will address and viewpoint on the topic; and the speaker will disclose if he or she is a lobbyist registered with the Texas Ethics Commission.
 - (3) A person may register himself or herself, and one other person. Organizations may not register more than two persons per item.
 - (4) Those registering online will receive an email confirming the registration during the next business day.
 - (5) Registrations will be listed based upon registration date and time or alternating points of view in order of registration date and time.
 - (6) Late registration will be accepted until 30 minutes before the scheduled start of a meeting, however late registrants are not guaranteed an opportunity to testify due to time constraints.
 - (7) Speakers will be informed if it appears that time constraints will not permit all speakers to make their presentation within the allotted time.
 - (8) All speakers shall provide thirty-five (35) collated or stapled copies of their testimony. Registered speakers who are unable to make their presentations due to time constraints are encouraged to provide thirty-five (35) copies of their testimony for distribution to board members and agency executive staff. Written testimony will not be attached to committee minutes.
- (c) Oral Public Testimony to Committees.
- (1) Oral public testimony to committees is limited to the topics posted for action or discussion on committee agendas at that specific committee meeting.
 - (2) Three minute time limits on individual oral testimony will be imposed unless modified by the presiding chair.
 - (3) The presiding chair shall designate whether oral public testimony shall be taken at the beginning of the meeting or at the time the related item is taken up by the committee after staff has presented the item.
 - (4) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The committee, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.
- (d) Oral Public Testimony to the General Meeting of the Board.
- (1) Oral public testimony at general meetings of the State Board of Education is limited to topics that are *not* posted for action or discussion at the corresponding regular committee meetings or information published in the information section of the agenda.

- (2) Thirty (30) minutes shall be allotted for oral public testimony, excluding the questions and answers, at the beginning of each board meeting, unless modified by a majority vote of the board. Three minute time limits on individual oral testimony will be imposed unless modified by the presiding chair. Testimony invited by board members shall not be counted against the time allotted for oral public testimony. Agency staff shall inform the presiding chair and any affected registered speakers prior to the meeting if time constraints may not allow some registered speakers to testify.
- (3) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.

§2.11. Written Testimony in Connection with Regular Board and Committee Meetings.

- (a) Persons may file written testimony with regard to any committee or board agenda item. Any written testimony or comments shall identify the date of the meeting; the subject of the comments; the name of the author; the name of the author's organizational affiliation, if any; and indicate whether the author is a lobbyist registered with the Texas Ethics Commission.
- (b) If the written testimony is submitted at the regular board or committee meeting, thirty-five (35) collated or stapled copies shall be provided for distribution to board members and agency executive staff. Written testimony will not be attached to the board minutes.
- (c) Persons who were unable to attend or to testify at a committee or board meeting due to time constraints may provide thirty-five (35) collated or stapled copies of their testimony to agency staff for distribution to board members and agency executive staff.

§2.12. Public Hearings.

- (a) Types of Public Hearings.
 - (1) Hearings regarding proposed board rules. The board shall conduct a public hearing on a substantive rule if a hearing is requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members. Testimony is restricted to comments regarding the proposed action. The hearing must be set to take place before any action is adopted. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules.
 - (2) Other types of hearings. The board may also hold public hearings on proposed actions, such as those relating to 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.
- (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 three 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 shall bring thirty-five (35) collated or stapled copies of their testimony for distribution to board members and agency executive staff.
- (e) Persons who were unable to testify at a public hearing due to time constraints may provide thirty-five (35) collated or stapled copies 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 is 5:00 p.m. on Friday the week prior to the start of the board meeting. The board will also take registered oral and written comments on proposed rulemaking at the appropriate committee meeting.

CHAPTER 3. TRAVEL AND EXPENSES

The statutory citations for this chapter are the Texas Education Code, §7.105, Texas Government Code, Chapter 660, and the General Appropriations Act.

§3.1. Reimbursement of Expenses.

- (a) Members of the State Board of Education receive no salary but are reimbursed for all expenses incurred for attending regular and special meetings of the board and of board committees.
- (b) All reimbursements for expenditures shall be in accordance with Texas Education Code, §7.105(b), Texas Government Code, Chapter 660, the General Appropriations Act, and these rules.
- (c) Only expenses of board members may be reimbursed. Expenses for spouses, family, or other persons traveling with board members are not reimbursable.
- (d) Board members must submit receipts for the following expenses:
 - (1) public transportation (excluding receipts for bus, taxi, 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 Division of State Board of Education Support staff member or his/her designee will make guaranteed hotel reservations for each board member upon request.
- (c) Any change in or cancellation of reservations shall be the responsibility of the individual board member in whose name the reservations were made. Board members who wish to change or cancel their reservations must contact the hotel directly or call the State Board of Education support office. All bills received by the agency for unused or uncanceled reservations will be forwarded for payment to the board member in whose name the reservations were made.

§3.3. Acceptance of Gifts and/or Grants for Charter School Evaluation.

- (a) Purpose. The State Board of Education (SBOE) may accept a gift and/or grant for the limited purpose of expenses associated with evaluating an applicant for an open-enrollment charter school.
 - (1) An entity making a gift and/or grant under this section may not:
 - (A) limit the use of the funds to any individual applicant, cycle or class of applicants;
 - (B) be a charter operator in this or any other state, a management company, service provider or vendor of any kind to charter schools in this or any other state;
 - (C) have common board members or corporate members with any entity operating a charter in Texas or applying to operate a charter in Texas;
 - (D) be an individual required to register as a lobbyist under Chapter 305, Government Code; or
 - (E) be an employee, attorney, contractor or other agent of any kind to charter schools in this or any other state.
 - (2) An entity making a gift and/or grant under this section may not do so if the source of funds used for the gift and/or grant were received from an entity that could not make a gift and/or grant under this section.
 - (3) For purposes of this section, a spouse or dependent child of an individual prohibited from making a gift and/or grant is also prohibited.
 - (4) For purposes of this section, an entity includes any legal entity such as corporations, individuals and other business associations. An individual is limited to a natural person.

- (5) An entity making a gift and/or grant shall certify that it has complied with all requirements of this section in a format approved by the board chair.
- (b) Procedure. The SBOE may accept a gift and/or grant under this section only by an affirmative vote of the board.
- (1) A charter may not be evaluated using funds under this section unless the commissioner has:
 - (A) proposed to award a charter to that applicant pursuant to Section 12.101(b); or
 - (B) requested the participation of individual board members in the agency's preliminary evaluation of an applicant.
 - (2) The commissioner shall receive, disburse and account for funds accepted by the board.
 - (3) Funds accepted under this section may be used solely to pay reasonable travel expenses, including meals and accommodations, for SBOE members and TEA staff as necessary to evaluate applicants for open-enrollment under this section. Unless approved by the board chair and the commissioner, travel expenses are limited to those available for travel by SBOE members or state employees.
 - (4) In making decisions under this section, the board chair will consult with the board member acting as a liaison under Section 12.101(b). The board chair will also consult with the chair of the Committee on School Initiatives, unless doing so would create a quorum of a committee of the board. A decision by the board chair under this section is final.
 - (5) Board members evaluating a charter applicant under this section shall be selected by the board chair. The board chair will, to the extent possible, give preference to board members whose districts include proposed locations at which the charter would operate. Under no circumstances will a quorum of the board or a committee of the board participate in an evaluation under this section.
 - (6) The board chair may request that relevant TEA employees accompany board members in evaluating charter applicants under this section. The commissioner must approve participation of agency employees.
 - (7) Except as provided by this subsection, board members and TEA staff may not accept anything of value from an applicant and shall limit contact with the applicant and its employees and representatives to the actual investigation of the charter. The board chair may authorize acceptance of reasonable local transportation and meals from the applicant as necessary to facilitate the evaluation.
 - (8) In addition to board members and TEA staff, the board chair may authorize other professionals to participate in an evaluation under this section. Such a professional may not be an individual or entity unable to donate funds under subsection (a) and is subject to all conditions and limits imposed by this section on board members.

- (c) Evaluation. Each board member will individually report to the Committee on School Initiatives regarding his/her evaluation of a proposed charter prior to consideration of the charter by the board under §7.102(c)(9). The Committee on School Initiatives will develop a standard form for use by board members in evaluating a charter under this section.
- (d) Reporting. Expenses reimbursed for each board member, TEA staff or other professionals shall be made publicly available and reported as appropriate on a board member's personal financial statement.

CHAPTER 4. CONDUCT AND PUBLIC RELATIONS

The statutory citations for this chapter are the Texas Education Code, §7.108; the Texas Government Code, §305.006, and Chapter 572, Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest; and the Texas Election Code, Chapter 251, General Provisions.

§4.1. Standards of Conduct and Conflicts of Interest.

- (a) Personal interest in board actions. Whenever a board member has a financial interest in any matter to be voted upon by the board, such a member shall state at an open meeting that he or she has such an interest in the matter and shall abstain from voting and discussion concerning the matter.
- (b) The Permanent School Fund ethics policy governs the conduct of State Board of Education members with respect to the investment and management of the Permanent School Fund.

§4.2. Press and Public Relations.

- (a) Prior to each State Board of Education meeting, the agenda shall be made available by agency staff to the capitol press corps; governor's office; Legislative Budget Board; Legislative Reference Library; School Land Board; Texas Higher Education Coordinating Board; regional education service centers; and state offices of professional education organizations which have requested the agenda.
- (b) A press table shall be provided at meetings of the State Board of Education and press representatives shall be supplied with copies of the official agenda for the meeting and other materials relating to specific agenda items.
- (c) The State Board of Education shall seek to maintain open relations with the press by answering reporters' questions frankly and by providing official statements through press releases and answers to follow-up inquiries.

§4.3. Disclosure of Campaign Contributions and Gifts.

- (a) Any person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose whether, at any time in the preceding four years, the person, corporation, or other legal entity has made a campaign contribution to a candidate for or member of the State Board of Education. Disclosure shall be made in writing to the commissioner of education 14 calendar days prior to consideration by the board or any committee of a contract, grant, or charter.

- (b) A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose in the same manner any benefit conferred on a candidate for or member of the State Board of Education during the preceding four years. A benefit need not be disclosed if the aggregate value of benefits conferred on a candidate for or a member of the State Board of Education during the preceding four years does not exceed \$250, or a different limit set by §572.023(b)(7), Texas Government Code. This requirement applies whether or not the person, corporation, or other legal entity is required to report the expenditure to the Texas Ethics Commission. For purposes of this section, a benefit is not conferred if the candidate for or a member of the State Board of Education has paid for the member's own participation, as well as any participation by other persons for the direct benefit of any business in which the member has a substantial interest as defined under Texas Government Code §572.005 (1) - (7).
- (c) In this section:
- (1) "person, corporation, or other legal entity" includes:
 - (A) any individual who would have a "substantial interest" in the person, corporation, or other legal entity as that term is defined in Texas Government Code, §572.005 (1) - (6);
 - (B) an attorney, representative, registered lobbyist, employee, or other agent who receives payment for representing the interests of the person, firm, or corporation before the board or to board members, or whose duties are directly related to the contract, grant, or charter; or
 - (C) an individual related within the first degree by affinity or consanguinity, as determined under Chapter 573, Government Code, to the person covered by (c)(1).
 - (2) "contract, grant, or charter" means any application to enter into a contractual relationship with or otherwise receive funding from the State Board of Education, including without limitation contracts for investment advisors, consultants, or investment managers for the Permanent School Fund and applicants for charters to operate open enrollment charter schools.
 - (3) "campaign contribution" has the meaning defined in Texas Election Code, §251.001.
 - (4) "benefit" has the meaning defined in Texas Penal Code, §36.01.
 - (5) "candidate for or a member of the State Board of Education" includes a person related within the first degree of affinity or consanguinity, as determined under Chapter 573, Government Code, to a candidate for or a member of the State Board of Education.
- (d) A person, corporation, or other legal entity has a continuing duty to report contributions or expenditures made through the term of a contract, grant, or charter and shall within 21 calendar days notify the commissioner of education and the board chair upon making a contribution or expenditure covered by this section.

- (e) Failure to disclose a contribution or expenditure under this section shall be grounds for canceling or revoking the contract, grant, or charter in the discretion of the board. Only those contributions or expenditures made after the effective date of this rule are required to be disclosed.
- (f) This section does not affect the validity of contracts, grants, or charters existing on its effective date but does apply to the renewal or extension of any contract, grant, or charter.
- (g) Before distributing bids or applications for a contract with the board, staff will provide any disclosure made under subsection (a) or (b) to a board member to whom the disclosure applies. A board member shall have 10 calendar days to provide a written statement relating to the disclosure for distribution along with all disclosures.
- (h) An SBOE member shall on April 15 of each year submit a list of businesses that the SBOE member has a substantial interest in as defined in Texas Government Code §572.005 (1) - (7) and all DBAs or assumed names of any such businesses. If any change occurs in the identities of businesses that an SBOE member has a substantial interest in, the SBOE member shall submit an amendment within 30 calendar days of the date of such change. A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter that may be granted by the State Board of Education shall be provided the combined list of all board members and shall disclose any campaign contribution or benefit under subsections (a) or (b) on behalf of any business in which an SBOE member has a substantial interest.

CHAPTER 5. RULES AND THE RULEMAKING PROCESS

The statutory citation for this chapter is the Texas Government Code, Chapter 2001, Subchapter B; Texas Government Code, Chapter 2002, Subchapter B; Texas Education Code, §7.102(e)-(f).

§5.1. State Board of Education Rules.

- (a) An action of the board to adopt a rule under the Texas Education Code is effective only if the rule's preamble published in the *Texas Register* includes a statement of the specified statutory authority contained in the Texas Education Code to adopt the rule.
- (b) Rules submitted to the Office of the Secretary of State for publication in the *Texas Register* shall conform to requirements promulgated by the Secretary of State.

§5.2. Adoption, Amendment, and Repeal of State Board of Education Rules.

- (a) Proposed new rules, amendments, and repeals must appear on the agenda for discussion at one board meeting and for action at two subsequent board meetings as First Reading and Second Reading, unless a departure from this rulemaking process is approved by the board.
- (b) Each member of the board shall receive copies of the preliminary and official board meeting agendas containing all proposed new rules, amendments, or repeals to be considered.
- (c) The board can take action only if the rule is posted for action in the official notice of the meeting that is published in the *Texas Register*. The commissioner is authorized to file information with the Secretary of State to comply with the requirements of Texas Government Code, Chapter 2001, Subchapter B; and Texas Government Code, Chapter 2002, Subchapter B, regarding adoption of rules.
 - (1) **First Reading and Filing Authorization.** The board can authorize the commissioner to file a proposed new rule, amendment, or repeal with the Secretary of State for publication in the *Texas Register* as it appears in the agenda or with changes to the material presented in the agenda.
 - (2) **Second Reading and Final Adoption.** If the public comment period after filing the proposal with the Secretary of State has elapsed, the board can adopt a new rule, amendment, or repeal. If a board committee determines that a substantial revision of the material presented in the agenda shall be considered, the board shall not take final action before the next board meeting.
 - (3) **Withdrawal.** The board can authorize the commissioner to withdraw a proposed new rule, amendment, or repeal that was previously filed with the Secretary of State.
 - (4) **Refiling.** The board can authorize the commissioner to withdraw and refile a proposed new rule or amendment that was previously filed with the Secretary of State if there are substantive changes from the original filing.

- (d) The board can authorize the commissioner to conduct a public hearing on behalf of the State Board of Education concerning board rules. The public hearing shall be transcribed and the transcript made available for review by board members.
- (e) Except as otherwise provided by law, a rule does not take effect until the beginning of the school year that begins at least 90 days after the date of the rule adoption.
- (f) A rule may take effect earlier than the date set forth in subsection (e) if the rule's preamble specified an earlier date with the reason for the earlier date and:
 - (1) the earlier effective date is a requirement of:
 - (A) a federal law, or
 - (B) a state law that specifically refers to Texas Education Code §7.102 and expressly requires the adoption of an earlier effective date; or
 - (2) on an affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

§5.3. Emergency Rules.

The board may adopt emergency rules without prior notice or hearing. Conditions under which emergency rules can be adopted and the periods for which they are effective are governed by Texas Government Code §2001.034. The board shall also comply with the requirements of Section 5.2(f) of these rules and the notice of emergency meeting requirements in Texas Government Code, §551.045. Emergency rules will be placed on a board agenda for adoption as a permanent rule.

§5.4. Filing Non-Substantive Rule Corrections with the Secretary of State.

The commissioner may approve and file with the Secretary of State non-substantive corrections to State Board of Education rules. Non-substantive rule corrections may only include typographical, grammatical, referencing, or spelling errors and technical edits to comply with *Texas Register* style and format requirements.

§5.5. Rulemaking Authority.

Except for rules adopted under §5.4 of these rules (relating to Filing Non-Substantive Rule Corrections with the Secretary of State), or other exceptions specifically authorized by the board, all rules of the State Board of Education shall be approved by the State Board of Education.

§5.6. Review of the State Board of Education Rules.

In accordance with Texas Government Code, §2001.039, the State Board of Education shall review its rules every four years to assure that statutory authority for the rules continues to exist. If necessary, proposed amendments will be brought to the board following the procedure described in §5.2 of these rules.

§5.7. Filing of Amendments.

A member wishing to amend any Texas Essential Knowledge and Skills (TEKS) being considered by the board for second reading and final adoption shall submit the amendment in writing to the staff no later than noon on the day prior to the final vote on the adoption of the TEKS. All amendments shall be made available to the public to the extent possible. This rule may be suspended by a two-thirds vote.

CHAPTER 6. ADVISORY GROUPS

The statutory citations for this chapter are the Texas Education Code, §§7.102(b), 29.254, 32.034, and 61.077.

§6.1. General Provisions.

- (a) The State Board of Education may establish a Committee of Investment Advisors (CIA) to the Permanent School Fund and approve all selected appointments. The CIA shall be composed of not more than 15 members, one appointed by each State Board of Education member, who each have considerable institutional investment expertise and are free from conflicts of interest. The CIA member will closely advise the individual State Board of Education member who appointed the member on all matters relative to the management of the Permanent School Fund as necessary. The CIA may meet in person or via conference call or telephone conference as needed. Duties and responsibilities of the CIA are within the *Texas Permanent School Fund - Investment Procedures Manual*, Section A.2.

- (b) If the board does not establish a CIA, nothing shall prevent a board member from selecting and working with an investment advisor in a manner consistent with federal and state laws and the Investment Procedures Manual.

**Texas Permanent School Fund
Asset Allocation Mix - SBOE
January 31, 2019**

<u>Asset Class</u>	<u>Portfolio</u>	<u>Book Value</u>	<u>Mix</u>	<u>Fair Value</u>	<u>Mix</u>	
Equity	Domestic Small-Mid Cap	\$ 1,151,456,898	4.31%	\$ 1,638,481,016	4.94%	
	Domestic Large Cap	2,063,314,609	7.72%	4,510,308,147	13.60%	
	Total Domestic Equity	<u>3,214,771,507</u>	<u>12.03%</u>	<u>6,148,789,163</u>	<u>18.54%</u>	
	International Equity - Blackrock	4,019,884,346	15.05%	4,994,414,637	15.06%	
	QMA Emerging Market Equity	404,099,888	1.51%	456,474,538	1.38%	
	Navarro Emerging Market Equity	330,737,541	1.24%	469,010,972	1.41%	
	Total Emerging Market Equity	<u>734,837,429</u>	<u>2.75%</u>	<u>925,485,510</u>	<u>2.79%</u>	
	Total Public Market Equity	<u>7,969,493,282</u>	<u>29.83%</u>	<u>12,068,689,310</u>	<u>36.39%</u>	
	Fixed Income	Domestic Fixed Income	4,689,313,756	17.56%	4,591,744,260	13.84%
		Investec Emerging Market Debt	802,006,020	3.00%	797,163,521	2.40%
Ashmore Emerging Market Debt		851,299,178	3.19%	853,832,785	2.57%	
Stone Harbor Emerging Market Debt		802,333,530	3.00%	729,184,084	2.20%	
Total Emerging Market Debt		<u>2,455,638,728</u>	<u>9.19%</u>	<u>2,380,180,390</u>	<u>7.17%</u>	
Total Fixed Income	<u>7,144,952,484</u>	<u>26.75%</u>	<u>6,971,924,650</u>	<u>21.01%</u>		
Absolute Return	Raven 1	800,000,000	3.00%	1,068,603,050	3.22%	
	Raven 2	-	0.00%	-	0.00%	
	Raven 4	600,000,000	2.25%	985,312,276	2.97%	
	Raven 6	353,884,155	1.32%	450,169,961	1.36%	
	Raven 7	412,711,614	1.55%	548,786,151	1.65%	
	Raven 8	398,586,838	1.49%	446,078,146	1.34%	
	Total Absolute Return	<u>2,565,182,607</u>	<u>9.61%</u>	<u>3,498,949,584</u>	<u>10.54%</u>	
Private Equity	Columbia NB Crossroads Fund L.P.	262,692,811	0.98%	361,144,485	1.09%	
	Columbia NB Crossroads Fund II L.P.	402,507,334	1.51%	651,038,020	1.96%	
	Columbia NB Crossroads Fund II Tranche C	596,318,866	2.23%	694,595,430	2.09%	
	TPSF NB PE Program	721,125,284	2.70%	918,661,834	2.77%	
	Private Equity Direct	382,411,189	1.43%	399,626,196	1.20%	
	Columbia CS Fund, L.P.	301,713,606	1.13%	417,634,998	1.26%	
	Total Private Equity	<u>2,666,769,090</u>	<u>9.98%</u>	<u>3,442,700,963</u>	<u>10.37%</u>	
Real Estate	Direct Real Estate Investments	2,271,028,675	8.50%	2,782,258,813	8.39%	
Total Real Estate	<u>2,271,028,675</u>	<u>8.50%</u>	<u>2,782,258,813</u>	<u>8.39%</u>		
Risk Parity	AQR Capital Management	846,664,411	3.17%	1,177,431,292	3.55%	
	Bridgewater	764,790,629	2.86%	1,144,458,127	3.45%	
	Total Risk Parity Strategies	<u>1,611,455,040</u>	<u>6.03%</u>	<u>2,321,889,419</u>	<u>7.00%</u>	
Real Return	Real Return - TIPS	1,056,323,241	3.95%	1,048,365,539	3.16%	
	Real Return Commodities - Terlingua 1	587,500,000	2.20%	398,671,717	1.20%	
	Real Return Commodities - Terlingua 2	575,000,000	2.15%	381,681,830	1.15%	
	Real Return Commodities - Terlingua 3	165,903,350	0.62%	161,983,081	0.49%	
	Total Real Return	<u>2,384,726,591</u>	<u>8.92%</u>	<u>1,990,702,167</u>	<u>6.00%</u>	
Total Unallocated Cash	96,387,563	0.38%	96,387,563	0.30%		
Fund Total	<u>26,709,995,332</u>	<u>100.00%</u>	<u>33,173,502,469</u>	<u>100.00%</u>		

Notes: The asset classes include cash that has been allocated to the investment portfolios.
Exposure includes fair value of funded investments plus unfunded commitments.

Exposure: Total Private Equity Exposure and Percentage of Fund Total Fair Value 5,536,179,481 16.69%
Total Real Estate Exposure and Percentage of Fund Total Fair Value 4,440,296,329 13.39%

Current State Board of Education approved Strategic Asset Allocation Mix (approved June 15, 2018)

Large Cap U.S. Equity	13.00%	Real Estate	10.00%
Small/Mid Cap U.S. Equity	5.00%	Risk Parity	7.00%
Developed and Emerging Market International Large Cap Equity	14.00%	Real Return-Commodities	3.00%
Emerging Market Equity	3.00%	Real Return-TIPS	3.00%
Domestic Investment Grade Fixed Income	12.00%	Absolute Return	10.00%
Emerging Market Debt (LC)	7.00%	Private Equity	13.00%
			<u>100.00%</u>

2017-2021 Rule Review Plan for State Board of Education Rules

STATE BOARD OF EDUCATION: INFORMATION

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

BACKGROUND INFORMATION AND JUSTIFICATION: Senate Bill (SB) 178, 76th Texas Legislature, 1999, amended the Texas Government Code by adding §2001.039, which requires the review of existing state agency rules. The rule review requirement in Texas Government Code, §2001.039, is designed to ensure that the reason for adopting or readopting the rule continues to exist.

The 2017-2021 SBOE rule review plan reflected in Attachment I repeats the cycle of review that was conducted during the 2013-2017 SBOE rule review with the addition of new rules that took effect subsequent to the adoption of that plan. The 2017-2021 plan is the sixth rule review cycle of SBOE rules.

In accordance with Texas Education Code, §28.002(m), the Texas Essential Knowledge and Skills (TEKS) are exempt from the rule review requirement and are not included in the 2017-2021 rule review plan. The TEKS were also exempt from previous rule review plans. Although the TEKS will not be reviewed as part of the rule review process, the SBOE conducts a review of the TEKS on a schedule determined by the SBOE designed to align the adoption of instructional materials with amendments to the TEKS.

Revisions to Rule Review Plan. The 2017-2021 SBOE rule review plan was approved at the November 2016 SBOE meeting and will appear on an ongoing basis in the information pages of each SBOE agenda until completion.

In January-February 2019, the plan was updated to begin the review of 19 TAC Chapter 157, Hearings and Appeals, in January 2019, which is within the required four-year review period. Chapter 157 was last reviewed in September 2015.

Any necessary modifications to the plan will appear in the information pages of the SBOE agenda along with the ongoing report.

Rule Review Procedures. Secretary of State rules specify the following two-step review process to implement the rule review requirement in the Texas Government Code, §2001.039:

1. a Notice of Proposed Review (Intention to review) that announces a public comment period for comments on whether the reason for adopting or readopting the rules continues to exist (see example in Attachment II); and
2. a Notice of Adopted Review (Readoption) that summarizes the public comments received, if any, in response to the notice of proposed review and provides a response to each comment (see examples in Attachment II).

The rule review process for SBOE rules is illustrated in this item using three examples. These examples

present the following points: (1) if no amendments are recommended to rules under review, the item presenting the adoption of the review will complete the rule review process and no further action will be necessary; and (2) if amendments are recommended to rules under review, the item presenting the adoption of the review will complete the rule review process and the amendments will be presented as a separate item under the standard rulemaking process.

Example 1. Rule Review with No Changes

January SBOE Meeting	SBOE Committee (discussion)	Discussion item that briefly describes the rule and specifies that no changes are being recommended.
	Texas Register	After the SBOE meeting, staff files Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE	Action item that presents a summary of comments received, if any, from Notice of Proposed Review. The SBOE authorizes filing the Notice of Adopted Review, noting that no changes are being proposed to the rule as a result of the review.
	Texas Register	After the SBOE meeting, staff files Notice of Adopted Review that states the rule will continue to exist without changes (see Attachment II).
END OF REVIEW PROCESS (no item at June SBOE Meeting)		

Example 2. Rule Review with Changes

January SBOE Meeting	SBOE Committee (discussion)	Discussion item that briefly describes the rule, outlines issues to be considered, and specifies anticipated changes to the rule.
	Texas Register	After the SBOE meeting, staff files Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE (first reading)	Separate action items are included in the agenda: one that presents comments received, if any, from Notice of Proposed Review and one that provides the SBOE the opportunity to propose amendments. The SBOE authorizes filing the Notice of Adopted Review and approves the proposed amendments for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files proposed amendments and the Notice of Adopted Review that states the rule will continue to exist and changes are being proposed (see Attachment II).
END OF REVIEW PROCESS		
June SBOE Meeting	SBOE Committee and Full SBOE (second reading)	Action item that presents the proposed amendments for second reading and final adoption. Item includes a summary of comments, if any, on proposed amendments.
	Texas Register	After the SBOE meeting, staff files adopted amendments.
END OF AMENDMENT PROCESS		

Example 3. Repeal of Rule under Review

January SBOE Meeting	SBOE Committee (first reading)	Action item that presents the proposed repeal of rule. SBOE approves proposed repeal for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files proposed repeal. No Notice of Proposed Review required for repeals.
April SBOE Meeting	SBOE Committee and Full SBOE (second reading)	Action item that presents the proposed repeal of rule for second reading and final adoption.
	Texas Register	After the SBOE meeting, staff files adopted repeal.
END OF REPEAL PROCESS		

Staff Members Responsible:

Cristina De La Fuente-Valadez, Director, Rulemaking
 Amanda Gunter, Program Specialist, Rulemaking

Attachment I: 2017-2021 Rule Review Plan for State Board of Education Rules

Attachment II: Sample Notices of Proposed Review and Adopted Review

ATTACHMENT I

2017-2021 Rule Review Plan for State Board of Education Rules (Approved November 2016, Revised January 2019)

Texas Government Code, §2001.039, requires a four-year rule review cycle for all state agency rules, including State Board of Education rules. The rule review is designed to ensure that the reason for adopting or readopting the rule continues to exist. It only includes rules currently in effect at the time the plan is adopted.

Texas Education Code, §28.002(m), exempts the Texas Essential Knowledge and Skills (TEKS) from the rule review requirement; accordingly, this rule review plan does not include the rule chapters for the TEKS. Although the rules will not be reviewed as part of the rule review process, the SBOE conducts a review of the TEKS on a schedule determined by the SBOE. This review is designed to align the adoption of instructional materials with the amendments to the TEKS.

Review Period: September 2017 - August 2018			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 74. Curriculum Requirements	<i>Subchapter A. Required Curriculum</i>	Curriculum	September 2017
	<i>Subchapter B. Graduation Requirements</i>		
	<i>Subchapter C. Other Provisions</i>		
	<i>Subchapter D. Graduation Requirements, Beginning with School Year 2001-2002</i>		
	<i>Subchapter E. Graduation Requirements, Beginning with School Year 2004-2005</i>		
	<i>Subchapter F. Graduation Requirements, Beginning with School Year 2007-2008</i>		
	<i>Subchapter G. Graduation Requirements, Beginning with School Year 2012-2013</i>		
Chapter 105. Foundation School Program	<i>Subchapter A. Definitions</i>	Finance	November 2017
	<i>Subchapter B. Use of State Funds</i>		
Chapter 89. Adaptations for Special Populations	<i>Subchapter A. Gifted/Talented Education</i>	Special Populations	January 2018
	<i>Subchapter C. Texas Certificate of High School Equivalency</i>		
	<i>Subchapter D. Special Education Services and Settings</i>		
Chapter 61. School Districts	<i>Subchapter A. Board of Trustees Relationship</i>	Administration	April 2018

Review Period: September 2018 – August 2019			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 129. Student Attendance	<i>Subchapter A. Student Attendance Allowed</i>	Finance	January 2019
	<i>Subchapter B. Student Attendance Accounting</i>		
Chapter 157. Hearings and Appeals	<i>Subchapter A. General Provisions for Hearings Before the State Board of Education</i>	Personnel	January 2019
	<i>Subchapter D. Independent Hearing Examiners</i>		

Review Period: September 2019 – August 2020			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 33. Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund	<i>Subchapter A. State Board of Education Rules</i>	Finance	September 2019
Chapter 66. State Adoption and Distribution of Instructional Materials	<i>Subchapter A. General Provisions</i>	Instructional Materials	November 2019
	<i>Subchapter B. State Adoption of Instructional Materials</i>		
	<i>Subchapter C. Local Operations</i>		
Chapter 100. Charters	<i>Subchapter A. Open-Enrollment Charter Schools</i>	Charter Schools	January 2020
	<i>Subchapter B. Home-Rule School District Charters</i>		

Review Period: September 2020 – August 2021			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 30. Administration	<i>Subchapter A. State Board of Education: General Provisions</i>	Administration	November 2020
	<i>Subchapter B. State Board of Education: Purchasing and Contracts</i>		
Chapter 101. Assessment	<i>Subchapter A. General Provisions</i>	Assessment	January 2021
	<i>Subchapter B. Implementation of Assessments</i>		
	<i>Subchapter C. Local Option</i>		
Chapter 109. Budgeting, Accounting, and Auditing	<i>Subchapter A. Budgeting, Accounting, Financial Reporting, and Auditing for School Districts</i>	Finance	January 2021
	<i>Subchapter B. Texas Education Agency Audit Functions</i>		
	<i>Subchapter C. Adoptions by Reference</i>		
	<i>Subchapter D. Uniform Bank Bid or Request for Proposal and Depository Contract</i>		

SAMPLES

Attachment II

Notice of Proposed Review (Intention to review)

The State Board of Education (SBOE) proposes the review of 19 TAC Chapter 129, Student Attendance, pursuant to the Texas Government Code, §2001.039. The rules being reviewed by the SBOE in 19 TAC Chapter 129 are organized under the following subchapters: Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting.

As required by the Texas Government Code, §2001.039, the SBOE will accept comments as to whether the reasons for adopting 19 TAC Chapter 129, Subchapters A and B, continue to exist. The comment period begins with the publication of this notice and must last a minimum of 30 days.

Comments or questions regarding this rule review may be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494. Comments may also be submitted electronically to rules@tea.texas.gov.

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

The State Board of Education (SBOE) adopts the review of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting, pursuant to the Texas Government Code, §2001.039. The SBOE proposed the review of 19 TAC Chapter 129, Subchapters A and B, in the February 12, 2016 issue of the Texas Register (41 TexReg 1131).

The SBOE finds that the reasons for adopting 19 TAC Chapter 129, Subchapters A and B, continue to exist and readopts the rules. The SBOE received no comments related to the review.

No changes are necessary as a result of the review.

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

The State Board of Education (SBOE) adopts the review of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting, pursuant to the Texas Government Code, §2001.039. The SBOE proposed the review of 19 TAC Chapter 129, Subchapters A and B, in the February 12, 2016 issue of the Texas Register (41 TexReg 1131).

The SBOE finds that the reasons for adopting 19 TAC Chapter 129, Subchapters A and B, continue to exist and readopts the rules. The SBOE received no comments related to the review. As part of the review, the SBOE is proposing an amendment to 19 TAC §129.21, which may be found in the Proposed Rules section of this *Texas Register* issue.

STATUTORY AUTHORITY REFERENCE SECTION:

TEXAS CONSTITUTION ARTICLE VII

TEXAS EDUCATION CODE (TEC)

TEXAS GOVERNMENT CODE (TGC)

TEXAS OCCUPATIONAL CODE (TOC)

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 2

Sec. 2. PERMANENT SCHOOL FUND.

All funds, lands and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatsoever; one half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a permanent school fund.

Sec. 2A. RELEASE OF STATE CLAIM TO CERTAIN LANDS AND MINERALS WITHIN SHELBY, FRAZIER, AND MCCORMICK LEAGUE AND IN BASTROP COUNTY.

- (a) The State of Texas hereby relinquishes and releases any claim of sovereign ownership or title to an undivided one-third interest in and to the lands and minerals within the Shelby, Frazier, and McCormick League (now located in Fort Bend and Austin counties) arising out of the interest in that league originally granted under the Mexican Colonization Law of 1823 to John McCormick on or about July 24, 1824, and subsequently voided by the governing body of Austin's Original Colony on or about December 15, 1830.
- (b) The State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the lands, excluding the minerals, in Tracts 2-5, 13, 15-17, 19-20, 23-26, 29-32, and 34-37, in the A. P. Nance Survey, Bastrop County, as said tracts are:
 - (1) shown on Bastrop County Rolled Sketch No. 4, recorded in the General Land Office on December 15, 1999; and
 - (2) further described by the field notes prepared by a licensed state land surveyor of Travis County in September through November 1999 and May 2000.
- (c) Title to such interest in the lands and minerals described by Subsection (a) is confirmed to the owners of the remaining interests in such lands and minerals. Title to the lands, excluding the minerals, described by Subsection (b) is confirmed to the holder of record title to each tract. Any outstanding land award or land payment obligation owed to the state for lands described by Subsection (b) is canceled, and any funds previously paid related to an outstanding land award or land payment obligation may not be refunded.
- (d) The General Land Office shall issue a patent to the holder of record title to each tract described by Subsection (b). The patent shall be issued in the same manner as other patents except that no filing fee or patent fee may be required.
- (e) A patent issued under Subsection (d) shall include a provision reserving all mineral interest in the land to the state.
- (f) This section is self-executing.

Sec. 2B. AUTHORITY TO RELEASE STATE'S INTEREST IN CERTAIN PERMANENT SCHOOL FUND LAND HELD BY PERSON UNDER COLOR OF TITLE.

- (a) The legislature by law may provide for the release of all or part of the state's interest in land, excluding mineral rights, if:
 - (1) the land is surveyed, unsold, permanent school fund land according to the records of the General Land Office;
 - (2) the land is not patentable under the law in effect before January 1, 2002; and
 - (3) the person claiming title to the land:

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 2

- (A) holds the land under color of title;
 - (B) holds the land under a chain of title that originated on or before January 1, 1952;
 - (C) acquired the land without actual knowledge that title to the land was vested in the State of Texas;
 - (D) has a deed to the land recorded in the appropriate county; and
 - (E) has paid all taxes assessed on the land and any interest and penalties associated with any period of tax delinquency.
- (b) This section does not apply to:
- (1) beach land, submerged or filled land, or islands; or
 - (2) land that has been determined to be state-owned by judicial decree.
- (c) This section may not be used to:
- (1) resolve boundary disputes; or
 - (2) change the mineral reservation in an existing patent.

Sec. 2C. RELEASE OF STATE CLAIM TO CERTAIN LANDS IN UPSHUR AND SMITH COUNTIES.

- (a) Except as provided by Subsection (b) of this section, the State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the tracts of land, including mineral rights, described as follows:

Tract 1:

The first tract of land is situated in Upshur County, Texas, about 14 miles South 30 degrees east from Gilmer, the county seat, and is bounded as follows: Bound on the North by the J. Manning Survey, A-314 the S.W. Beasley Survey A-66 and the David Meredith Survey A-315 and bound on the East by the M. Mann Survey, A-302 and by the M. Chandler Survey, A-84 and bound on the South by the G. W. Hooper Survey, A-657 and by the D. Ferguson Survey, A-158 and bound on the West by the J. R. Wadkins Survey, A-562 and the H. Alsup Survey, A-20, and by the W. Bratton Survey, A-57 and the G. H. Burroughs Survey, A-30 and the M. Tidwell Survey, A-498 of Upshur County, Texas.

Tract 2:

The second tract of land is situated in Smith County, Texas, north of Tyler and is bounded as follows: on the north and west by the S. Leeper A-559, the Frost Thorn Four League Grant A-3, A-9, A-7, A-19, and the H. Jacobs A-504 and on the south and east by the following surveys: John Carver A-247, A. Loverly A-609, J. Gimble A-408, R. Conner A-239, N.J. Blythe A-88, N.J. Blythe A-89, J. Choate A-195, Daniel Minor A-644, William Keys A-527, James H. Thomas A-971, Seaborn Smith A-899, and Samuel Leeper A-559.

- (b) This section does not apply to:
- (1) any public right-of-way, including a public road right-of-way, or related interest owned by a governmental entity;
 - (2) any navigable waterway or related interest owned by a governmental entity; or
 - (3) any land owned by a governmental entity and reserved for public use, including a park, recreation area, wildlife area, scientific area, or historic site.
- (c) This section is self-executing.

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 5

Sec. 5. COMPOSITION, MANAGEMENT, USE, AND DISTRIBUTION OF PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND.

- (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 General Land Office or an entity other than the State Board of Education that has responsibility for the management of permanent school fund land or other properties may in its sole discretion distribute to the available school fund each year revenue derived during that year from the land or properties, not to exceed \$300 million each year.
- (h) Expired.

TEXAS EDUCATION CODE
CHAPTER 7. STATE ORGANIZATION
SUBCHAPTER C. COMMISSIONER OF EDUCATION

TEC, §7.055. COMMISSIONER OF EDUCATION POWERS AND DUTIES.

- (a) The commissioner has the powers and duties provided by Subsection (b).
- (b)
 - (1) The commissioner shall serve as the educational leader of the state.
 - (2) The commissioner shall serve as executive officer of the agency and as executive secretary of the board.
 - (3) The commissioner shall carry out the duties imposed on the commissioner by the board or the legislature.
 - (4) The commissioner shall prescribe a uniform system of forms, reports, and records necessary to fulfill the reporting and recordkeeping requirements of this title.
 - (5) The commissioner may delegate ministerial and executive functions to agency staff and may employ division heads and any other employees and clerks to perform the duties of the agency.
 - (6) The commissioner shall adopt an annual budget for operating the Foundation School Program as prescribed by Subsection (c).
 - (7) The commissioner may issue vouchers for the expenditures of the agency and shall examine and must approve any account to be paid out of the school funds before the comptroller may issue a warrant.
 - (8) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1083, Sec. 25(7), eff. June 17, 2011.
 - (9) The commissioner shall have a manual published at least once every two years that contains Title 1 and this title, any other provisions of this code relating specifically to public primary or secondary education, and an appendix of all other state laws relating to public primary or secondary education and shall provide for the distribution of the manual as determined by the board.
 - (10) The commissioner may visit different areas of this state, address teachers' associations and educational gatherings, instruct teachers, and promote all aspects of education and may be reimbursed for necessary travel expenses incurred under this subdivision to the extent authorized by the General Appropriations Act.
 - (11) The commissioner may appoint advisory committees, in accordance with Chapter 2110, Government Code, as necessary to advise the commissioner in carrying out the duties and mission of the agency.
 - (12) The commissioner shall appoint an agency auditor.
 - (13) The commissioner may provide for reductions in the number of agency employees.
 - (14) The commissioner shall carry out duties relating to the investment capital fund under Section 7.024.
 - (15) The commissioner shall review and act, if necessary, on applications for waivers under Section 7.056.
 - (16) The commissioner shall carry out duties relating to regional education service centers as specified under Chapter 8.
 - (17) The commissioner shall distribute funds to open-enrollment charter schools as required under Subchapter D, Chapter 12.

- (18) The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of teachers, a recommended appraisal process and criteria on which to appraise the performance of administrators, and a job description and evaluation form for use in evaluating school counselors, as provided by Subchapter H, Chapter 21.
- (19) The commissioner shall coordinate and implement teacher recruitment programs under Section 21.004.
- (20) The commissioner shall perform duties in connection with the certification and assignment of hearing examiners as provided by Subchapter F, Chapter 21.
- (21) The commissioner shall carry out duties under the Texas Advanced Placement Incentive Program under Subchapter C, Chapter 28.
- (22) The commissioner may adopt rules for optional extended year programs under Section 29.082.
- (23) The commissioner shall monitor and evaluate prekindergarten programs and other child-care programs as required under Section 29.154.
- (24) The commissioner, with the approval of the board, shall develop and implement a plan for the coordination of services to children with disabilities as required under Section 30.001.
- (25) The commissioner shall develop a system to distribute to school districts or regional education service centers a special supplemental allowance for students with visual impairments as required under Section 30.002.
- (26) The commissioner, with the assistance of the comptroller, shall determine amounts to be distributed to the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf as provided by Section 30.003 and to the Texas Juvenile Justice Department as provided by Section 30.102.
- (27) The commissioner shall establish a procedure for resolution of disputes between a school district and the Texas School for the Blind and Visually Impaired under Section 30.021.
- (28) The commissioner shall perform duties relating to the funding, adoption, and purchase of instructional materials under Chapter 31.
- (29) The commissioner may enter into contracts concerning technology in the public school system as authorized under Chapter 32.
- (30) The commissioner shall adopt a recommended contract form for the use, acquisition, or lease with option to purchase of school buses under Section 34.009.
- (31) The commissioner shall ensure that the cost of using school buses for a purpose other than the transportation of students to or from school is properly identified in the Public 18 Education Information Management System (PEIMS) under Section 34.010.
- (32) The commissioner shall perform duties in connection with the public school accountability system as prescribed by Chapters 39 and 39A.
- (33) Repealed by Acts 1999, 76th Leg., ch. 397, Sec. 8, eff. Sept. 1, 1999.
- (34) The commissioner shall perform duties in connection with the equalized wealth level under Chapter 41.
- (35) The commissioner shall perform duties in connection with the Foundation School Program as prescribed by Chapter 42.

- (36) The commissioner shall establish advisory guidelines relating to the fiscal management of a school district and report annually to the board on the status of school district fiscal management as required under Section 44.001.
 - (37) The commissioner shall review school district audit reports as required under Section 44.008.
 - (38) The commissioner shall perform duties in connection with the guaranteed bond program as prescribed by Subchapter C, Chapter 45.
 - (39) The commissioner shall cooperate with the Texas Higher Education Coordinating Board in connection with the Texas partnership and scholarship program under Subchapter Q, Chapter 61.
 - (40) The commissioner shall suspend the certificate of an educator or permit of a teacher who violates Chapter 617, Government Code.
 - (41) The commissioner shall adopt rules relating to extracurricular activities under Section 33.081 and approve or disapprove University Interscholastic League rules and procedures under Section 33.083.
- (c) The budget the commissioner adopts under Subsection (b) for operating the Foundation School Program must be in accordance with legislative appropriations and provide funds for the administration and operation of the agency and any other necessary expense. The budget must designate any expense of operating the agency or operating a program for which the board has 19 responsibility that is paid from the Foundation School Program. The budget must designate program expenses that may be paid out of the foundation school fund, other state funds, fees, federal funds, or funds earned under interagency contract. Before adopting the budget, the commissioner must submit the budget to the board for review and, after receiving any comments of the board, present the operating budget to the governor and the Legislative Budget Board. The commissioner shall provide appropriate information on proposed budget expenditures to the comptroller to assure that all payments are paid from the appropriate funds in a timely and efficient manner.

TEXAS EDUCATION CODE
CHAPTER 7. STATE ORGANIZATION
SUBCHAPTER D. STATE BOARD OF EDUCATION

TEC, §7.102. STATE BOARD OF EDUCATION POWERS AND DUTIES.

- (a) The board may perform only those duties relating to school districts or regional education service centers assigned to the board by the constitution of this state or by this subchapter or another provision of this code.
- (b) The board has the powers and duties provided by Subsection (c), which shall be carried out with the advice and assistance of the commissioner.
- (c)
 - (1) The board shall develop and update a long-range plan for public education.
 - (2) The board may enter into contracts relating to or accept grants for the improvement of educational programs specifically authorized by statute.
 - (3) The board may accept a gift, donation, or other contribution on behalf of the public school system or agency and, unless otherwise specified by the donor, may use the contribution in the manner the board determines.
 - (4) The board shall establish curriculum and graduation requirements.
 - (5) The board shall establish a standard of performance considered satisfactory on student assessment instruments.
 - (6) The board may create special-purpose school districts under Chapter [11](#).
 - (7) The board shall provide for a training course for school district trustees under Section [11.159](#).
 - (8) The board shall adopt a procedure to be used for placing on probation or revoking a home-rule school district charter as required by Subchapter B, Chapter [12](#), and may place on probation or revoke a home-rule school district charter as provided by that subchapter.
 - (9) The board may grant an open-enrollment charter or approve a charter revision as provided by Subchapter D, Chapter [12](#).
 - (10) The board shall adopt rules establishing criteria for certifying hearing examiners as provided by Section [21.252](#).
 - (11) The board shall adopt rules to carry out the curriculum required or authorized under Section [28.002](#).
 - (12) The board shall establish guidelines for credit by examination under Section [28.023](#).
 - (13) The board shall adopt transcript forms and standards for differentiating high school programs for purposes of reporting academic achievement under Section [28.025](#).
 - (14) The board shall adopt guidelines for determining financial need for purposes of the Texas Advanced Placement Incentive Program under Subchapter C, Chapter [28](#), and may approve payments as provided by that subchapter.
 - (15) The board shall adopt criteria for identifying gifted and talented students and shall develop and update a state plan for the education of gifted and talented students as required under Subchapter D, Chapter [29](#).
 - (16) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 73, Sec. 2.06(a)(1), eff. September 1, 2013.
 - (17) The board shall adopt rules relating to community education development projects as required under Section [29.257](#).
 - (18) The board may approve the plan to be developed and implemented by the commissioner for the coordination of services to children with disabilities as required under Section [30.001](#).
 - (19) The board shall establish a date by which each school district and state institution shall provide to the commissioner the necessary information to determine the district's share of the cost of the education of a student enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf as required under Section [30.003](#) and may adopt other rules concerning

funding of the education of students enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf as authorized under Section [30.003](#).

- (20) The board shall adopt rules prescribing the form and content of information school districts are required to provide concerning programs offered by state institutions as required under Section [30.004](#).
 - (21) The board shall adopt rules concerning admission of students to the Texas School for the Deaf as required under Section [30.057](#).
 - (22) The board shall carry out powers and duties related to regional day school programs for the deaf as provided under Subchapter D, Chapter [30](#).
 - (23) The board shall adopt and purchase or license instructional materials as provided by Chapter [31](#) and adopt rules required by that chapter.
 - (24) The board shall develop and update a long-range plan concerning technology in the public school system as required under Section [32.001](#) and shall adopt rules and policies concerning technology in public schools as provided by Chapter [32](#).
 - (25) The board shall conduct feasibility studies related to the telecommunications capabilities of school districts and regional education service centers as provided by Section [32.033](#).
 - (26) The board shall appoint a board of directors of the center for educational technology under Section [32.034](#).
 - (27) Repealed by Acts 2001, 77th Leg., ch. 1420, Sec. 4.001(b), eff. Sept. 1, 2001.
 - (28) The board shall approve a program for testing students for dyslexia and related disorders as provided by Section [38.003](#).
 - (29) The board shall perform duties in connection with the public school accountability system as prescribed by Chapters [39](#) and [39A](#).
 - (30) The board shall perform duties in connection with the Foundation School Program as prescribed by Chapter [42](#).
 - (31) The board may invest the permanent school fund within the limits of the authority granted by Section [5](#), Article VII, Texas Constitution, and Chapter 43.
 - (32) The board shall adopt rules concerning school district budgets and audits of school district fiscal accounts as required under Subchapter A, Chapter [44](#).
 - (33) The board shall adopt an annual report on the status of the guaranteed bond program and may adopt rules as necessary for the administration of the program as provided under Subchapter C, Chapter [45](#).
 - (34) The board shall prescribe uniform bid blanks for school districts to use in selecting a depository bank as required under Section [45.206](#).
- (d) The board may adopt rules relating to school districts or regional education service centers only as required to carry out the specific duties assigned to the board by the constitution or under Subsection (c).
 - (e) An action of the board to adopt a rule under this section is effective only if the board includes in the rule's preamble a statement of the specific authority under Subsection (c) to adopt the rule.
 - (f) Except as otherwise provided by this subsection, a rule adopted by the board under this section does not take effect until the beginning of the school year that begins at least 90 days after the date on which the rule was adopted. The rule takes effect earlier if the rule's preamble specifies an earlier effective date and the reason for that earlier date and:
 - (1) the earlier effective date is a requirement of:
 - (A) a federal law; or

- (B) a state law that specifically refers to this section and expressly requires the adoption of an earlier effective date; or
- (2) on the affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

TEXAS EDUCATION CODE
CHAPTER 7. STATE ORGANIZATION
SUBCHAPTER D. STATE BOARD OF EDUCATION

TEC, § 7.107. OFFICERS (excerpt):

- (b) At the board's first regular meeting after the election and qualification of new members, the board shall organize, adopt rules of procedure, and elect by separate votes a vice chair and a secretary.

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 B. STATE AND REGIONAL ORGANIZATION AND GOVERNANCE
CHAPTER 8. REGIONAL EDUCATION SERVICE CENTERS
SUBCHAPTER B. POWERS AND DUTIES

**TEC, §8.0531. INSTRUCTIONAL MATERIALS DEVELOPED BY A COLLABORATION OF
REGIONAL EDUCATION SERVICE CENTERS.**

Notwithstanding any other provision of this subchapter or Section [8.001\(c\)](#), instructional lessons developed as part of a curriculum management system by a regional education service center, acting alone or in collaboration with one or more other regional education service centers, shall be subject to the same review and adoption process as outlined in Section [31.022](#).

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 11. SCHOOL DISTRICTS
SUBCHAPTER H. SPECIAL-PURPOSE SCHOOL DISTRICTS

TEC, §11.352. GOVERNANCE OF SPECIAL-PURPOSE DISTRICT.

- (a) The State Board of Education shall appoint for each district established under Section 11.351 a board of three, five, or seven trustees, as determined by the State Board of Education. A trustee is not required to be a resident of the district.
- (b) For each military reservation school district, the State Board of Education may appoint a board of three or five trustees. Enlisted military personnel and military officers may be appointed to the school board. A majority of the trustees appointed for the district must be civilians and all may be civilians. The trustees shall be selected from a list of persons who are qualified to serve as members of a school district board of trustees under Section 11.061 and who live or are employed on the military reservation. The list shall be furnished to the board by the commanding officer of the military reservation. The trustees appointed serve terms of two years.
- (c) The State Board of Education may adopt rules for the governance of a special-purpose district. In the absence of a rule adopted under this subsection, the laws applicable to independent school districts apply to a special-purpose district.

TEXAS EDUCATION CODE
TITLE 2: PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 12. CHARTERS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §12.106. STATE FUNDING.

- (a) A charter holder is entitled to receive for the open-enrollment charter school funding under Chapter [42](#) equal to the amount of funding per student in weighted average daily attendance, excluding enrichment funding under Section [42.302\(a\)](#), to which the charter holder would be entitled for the school under Chapter [42](#) if the school were a school district without a tier one local share for purposes of Section [42.253](#).
- (a-1) In determining funding for an open-enrollment charter school under Subsection (a):
 - (1) adjustments under Sections [42.102](#), [42.104](#), and [42.105](#) are based on the average adjustment for the state; and
 - (2) the adjustment under Section [42.103](#) is based on the average adjustment for the state that would have been provided under that section as it existed on January 1, 2018.
- (a-2) In addition to the funding provided by Subsection (a), a charter holder is entitled to receive for the open-enrollment charter school enrichment funding under Section [42.302](#) based on the state average tax effort.
- (b) An open-enrollment charter school is entitled to funds that are available to school districts from the agency or the commissioner in the form of grants or other discretionary funding unless the statute authorizing the funding explicitly provides that open-enrollment charter schools are not entitled to the funding.
- (c) The commissioner may adopt rules to provide and account for state funding of open-enrollment charter schools under this section. A rule adopted under this section may be similar to a provision of this code that is not similar to Section [12.104\(b\)](#) if the commissioner determines that the rule is related to financing of open-enrollment charter schools and is necessary or prudent to provide or account for state funds.
- (d) Subject to Subsection (e), in addition to other amounts provided by this section, a charter holder is entitled to receive, for the open-enrollment charter school, funding per student in average daily attendance in an amount equal to the guaranteed level of state and local funds per student per cent of tax effort under Section [46.032\(a\)](#) multiplied by the lesser of:
 - (1) the state average interest and sinking fund tax rate imposed by school districts for the current year; or

- (2) a rate that would result in a total amount to which charter schools are entitled under this subsection for the current year equal to \$60 million.
- (e) A charter holder is entitled to receive funding under Subsection (d) only if the most recent overall performance rating assigned to the open-enrollment charter school under Subchapter C, Chapter [39](#), reflects at least acceptable performance. This subsection does not apply to a charter holder that operates a school program located at a day treatment facility, residential treatment facility, psychiatric hospital, or medical hospital.
- (f) Funds received by a charter holder under Subsection (d) may only be used:
 - (1) to lease an instructional facility;
 - (2) to pay property taxes imposed on an instructional facility;
 - (3) to pay debt service on bonds issued to finance an instructional facility; or
 - (4) for any other purpose related to the purchase, lease, sale, acquisition, or maintenance of an instructional facility.
- (g) In this section, "instructional facility" has the meaning assigned by Section [46.001](#).

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 12. CHARTERS
SUBCHAPTER D. OPEN-ENROLLMENT CHARTER SCHOOL

TEC, §12.110. APPLICATION.

- (a) The commissioner shall adopt:
 - (1) an application form and a procedure that must be used to apply for a charter for an open-enrollment charter school; and
 - (2) criteria to use in selecting a program for which to grant a charter.
- (b) The application form must provide for including the information required under Section 12.111 to be contained in a charter.
- (c) As part of the application procedure, the commissioner may require a petition supporting a charter for a school signed by a specified number of parents or guardians of school-age children residing in the area in which a school is proposed or may hold a public hearing to determine parental support for the school.
- (d) The commissioner shall approve or deny an application based on:
 - (1) documented evidence collected through the application review process;
 - (2) merit; and
 - (3) other criteria as adopted by the commissioner, which must include:
 - (A) criteria relating to the capability of the applicant to carry out the responsibilities provided by the charter and the likelihood that the applicant will operate a school of high quality;
 - (B) criteria relating to improving student performance and encouraging innovative programs; and
 - (C) a statement from any school district whose enrollment is likely to be affected by the open-enrollment charter school, including information relating to any financial difficulty that a loss in enrollment may have on the district.
- (e) The commissioner shall give priority to applications that propose an open-enrollment charter school campus to be located in the attendance zone of a school district campus assigned an unacceptable performance rating under Section 39.054 for the two preceding school years.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
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.

TEXAS EDUCATION CODE
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT
SUBCHAPTER A. ESSENTIAL KNOWLEDGE AND SKILLS; CURRICULUM

TEC, §28.002. REQUIRED CURRICULUM.

- (a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:
 - (1) a foundation curriculum that includes:
 - (A) English language arts;
 - (B) mathematics;
 - (C) science; and
 - (D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and
 - (2) an enrichment curriculum that includes:
 - (A) to the extent possible, languages other than English;
 - (B) health, with emphasis on the importance of proper nutrition and exercise;
 - (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).

- (d) The physical education curriculum required under Subsection (a)(2)(C) must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life. Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. In identifying the essential knowledge and skills of physical education, the State Board of Education shall ensure that the curriculum:
- (1) emphasizes the knowledge and skills capable of being used during a lifetime of regular physical activity;
 - (2) is consistent with national physical education standards for:
 - (A) the information that students should learn about physical activity; and
 - (B) the physical activities that students should be able to perform;
 - (3) requires that, on a weekly basis, at least 50 percent of the physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate or vigorous level;
 - (4) offers students an opportunity to choose among many types of physical activity in which to participate;
 - (5) offers students both cooperative and competitive games;
 - (6) meets the needs of students of all physical ability levels, including students who have a chronic health problem, disability, including a student who is a person with a disability described under Section [29.003\(b\)](#) or criteria developed by the agency in accordance with that section, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;
 - (7) takes into account the effect that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;
 - (8) teaches self-management and movement skills;
 - (9) teaches cooperation, fair play, and responsible participation in physical activity;
 - (10) promotes student participation in physical activity outside of school; and
 - (11) allows physical education classes to be an enjoyable experience for students.
- (e) American Sign Language is a language for purposes of Subsection (a)(2)(A). A public school may offer an elective course in the language.
- (f) A school district may offer courses for local credit in addition to those in the required curriculum. The State Board of Education shall:
- (1) be flexible in approving a course for credit for high school graduation under this subsection; and
 - (2) approve courses in cybersecurity for credit for high school graduation under this subsection.
- (g) A local instructional plan may draw on state curriculum frameworks and program standards as appropriate. Each district is encouraged to exceed minimum requirements of law and State Board of Education rule. Each district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:
- (1) includes teacher input;
 - (2) provides district employees with the opportunity to express opinions regarding the initiative; and

- (3) includes a meeting of the board of trustees of the district at which:
 - (A) information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and
 - (B) members of the public and district employees are given the opportunity to comment regarding the initiative.
- (g-1) A district may also offer a course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate, that is approved by the board of trustees for credit without obtaining State Board of Education approval if:
 - (1) the district develops a program under which the district partners with a public or private institution of higher education and local business, labor, and community leaders to develop and provide the courses; and
 - (2) the course or other activity allows students to enter:
 - (A) a career or technology training program in the district's region of the state;
 - (B) an institution of higher education without remediation;
 - (C) an apprenticeship training program; or
 - (D) an internship required as part of accreditation toward an industry-recognized credential or certificate for course credit.
- (g-2) Each school district shall annually report to the agency the names of the courses, programs, institutions of higher education, and internships in which the district's students have enrolled under Subsection (g-1) and the names of the courses and institutions of higher education in which the district's students have enrolled under Subsection (g-3). The agency shall make available information provided under this subsection to other districts.
- (g-3) A district may also offer a course in cybersecurity that is approved by the board of trustees for credit without obtaining State Board of Education approval if the district partners with a public or private institution of higher education that offers an undergraduate degree program in cybersecurity to develop and provide the course.
- (h) The State Board of Education and each school district shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter and in reading courses and in the adoption of instructional materials. A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage.
- (i) The State Board of Education shall adopt rules for the implementation of this subchapter. Except as provided by Subsection (j), the board may not adopt rules that designate the methodology used by a teacher or the time spent by a teacher or a student on a particular task or subject.
- (j) The State Board of Education by rule may require laboratory instruction in secondary science courses and may require a specific amount or percentage of time in a secondary science course that must be laboratory instruction.
- (k) The State Board of Education, in consultation with the Department of State Health Services and the Texas Diabetes Council, shall develop a diabetes education program that a school district may use in the health curriculum under Subsection (a)(2)(B).
- (l) A school district shall require a student enrolled in full-day prekindergarten, in kindergarten, or in a grade level below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's physical education curriculum or through structured activity during a school campus's daily recess. To the extent practicable, a school district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten. A school district shall require students enrolled in grade levels six, seven, and eight to participate in moderate or vigorous daily physical

activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum. If a school district determines, for any particular grade level below grade six, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week. Additionally, a school district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. A school district must provide for an exemption for:

- (1) any student who is unable to participate in the required physical activity because of illness or disability; and
 - (2) a middle school or junior high school student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity under rules adopted by the commissioner.
- (l-1) In adopting rules relating to an activity described by Subsection (l)(2), the commissioner may permit an exemption for a student who participates in a school-related activity or an activity sponsored by a private league or club only if the student provides proof of participation in the activity.
- (l-2) To encourage school districts to promote physical activity for children through classroom curricula for health and physical education, the agency, in consultation with the Department of State Health Services, shall designate nationally recognized health and physical education program guidelines that a school district may use in the health curriculum under Subsection (a)(2)(B) or the physical education curriculum under Subsection (a)(2)(C).
- (l-3) (1) This subsection may be cited as "Lauren's Law."
(2) The State Board of Education, the Department of State Health Services, or a school district may not adopt any rule, policy, or program under Subsections (a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:
(A) children in the classroom of the child of the parent or grandparent on the occasion of the child's birthday; or
(B) children at a school-designated function.
- (m) Section [2001.039](#), Government Code, as added by Chapter 1499, Acts of the 76th Legislature, Regular Session, 1999, does not apply to a rule adopted by the State Board of Education under Subsection (c) or (d).
- (n) The State Board of Education may by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technology education curriculum under Subsection (a)(2)(E).
- (o) In approving career and technology courses, the State Board of Education must determine that at least 50 percent of the approved courses are cost-effective for a school district to implement.
- (p) The State Board of Education, in conjunction with the office of the attorney general, shall develop a parenting and paternity awareness program that a school district shall use in the district's high school health curriculum. A school district may use the program developed under this subsection in the district's middle or junior high school curriculum. At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level. The program must:
(1) address parenting skills and responsibilities, including child support and other legal rights and responsibilities that come with parenthood;
(2) address relationship skills, including money management, communication skills, and marriage preparation; and
(3) in district middle, junior high, or high schools that do not have a family violence prevention program, address skills relating to the prevention of family violence.

- (p-2) A school district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed under Subsection (p). The programs and curriculum materials may provide instruction in:
- (1) child development;
 - (2) parenting skills, including child abuse and neglect prevention; and
 - (3) assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.
- (p-3) The agency shall evaluate programs and curriculum materials developed under Subsection (p-2) and distribute to other school districts information regarding those programs and materials.
- (p-4) A student under 14 years of age may not participate in a program developed under Subsection (p) without the permission of the student's parent or person standing in parental relation to the student.
- (q) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(1), eff. September 1, 2014.
- (r) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning. The agency shall compile a list of evidence-based alcohol awareness programs from which a school district shall choose a program to use in the district's middle school, junior high school, and high school health curriculum. In this subsection, "evidence-based alcohol awareness program" means a program, practice, or strategy that has been proven to effectively prevent or delay alcohol use among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.
- (s) In this subsection, "bullying" has the meaning assigned by Section [37.0832](#) and "harassment" has the meaning assigned by Section [37.001](#). In addition to any other essential knowledge and skills the State Board of Education adopts for the health curriculum under Subsection (a)(2)(B), the board shall adopt for the health curriculum, in consultation with the Texas School Safety Center, essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, self-defense in response to, and resolution of and intervention in bullying and harassment.
- (t) The State Board of Education, in consultation with the commissioner of higher education and business and industry leaders, shall develop an advanced language course that a school district may use in the curriculum under Subsection (a)(2)(A) to provide students with instruction in industry-related terminology that prepares students to communicate in a language other than English in a specific professional, business, or industry environment.
- (w) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the dangers, causes, consequences, signs, symptoms, and treatment of nonmedical use of prescription drugs. The agency shall compile a list of evidence-based prescription drug misuse awareness programs from which a school district may choose a program to use in the district's middle school, junior high school, and high school health curriculums. In this subsection, an "evidence-based prescription drug misuse awareness program" means a program, practice, or strategy that has been proven to effectively prevent nonmedical use of prescription drugs among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.

TEXAS EDUCATION CODE
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT
SUBCHAPTER A. ESSENTIAL KNOWLEDGE AND SKILLS; CURRICULUM

TEC, § 28.008. ADVANCEMENT OF COLLEGE READINESS IN CURRICULUM (excerpt):

- (d) The State Board of Education shall incorporate college readiness standards and expectations approved by the commissioner of education and the Texas Higher Education Coordinating Board under Subsection (b) into the essential knowledge and skills identified by the board under Section 28.002(c). The State Board of Education shall develop and by rule adopt a chart that clearly indicates the alignment of the college readiness standards and expectations with the essential knowledge and skills identified by the board under Section 28.002(c).

TEXAS EDUCATION CODE
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT
SUBCHAPTER B. ADVANCEMENT, PLACEMENT, CREDIT, AND
ACADEMIC ACHIEVEMENT RECORD

TEC, §28.025. HIGH SCHOOL DIPLOMA AND CERTIFICATE; ACADEMIC ACHIEVEMENT RECORD.

- (a) The State Board of Education by rule shall determine curriculum requirements for the foundation high school program that are consistent with the required curriculum under Section [28.002](#). The State Board of Education shall designate the specific courses in the foundation curriculum under Section [28.002](#)
- (a)(1) required under the foundation high school program. Except as provided by this section, the State Board of Education may not designate a specific course or a specific number of credits in the enrichment curriculum as requirements for the program.
- (b) A school district shall ensure that each student, on entering ninth grade, indicates in writing an endorsement under Subsection (c-1) that the student intends to earn. A district shall permit a student to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated. A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:
 - (1) the student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
 - (2) the student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by the agency, allowing the student to graduate under the foundation high school program without earning an endorsement.
- (b-1) The State Board of Education by rule shall require that the curriculum requirements for the foundation high school program under Subsection (a) include a requirement that students successfully complete:
 - (1) four credits in English language arts under Section [28.002](#)(a)(1)(A), including one credit in English I, one credit in English II, one credit in English III, and one credit in an advanced English course authorized under Subsection (b-2);
 - (2) three credits in mathematics under Section [28.002](#)(a)(1)(B), including one credit in Algebra I, one credit in geometry, and one credit in any advanced mathematics course authorized under Subsection (b-2);
 - (3) three credits in science under Section [28.002](#)(a)(1)(C), including one credit in biology, one credit in any advanced science course authorized under Subsection (b-2), and one credit in integrated physics and chemistry or in an additional advanced science course authorized under Subsection (b-2);
 - (4) three credits in social studies under Section [28.002](#)(a)(1)(D), including one credit in United States history, at least one-half credit in government and at least one-half credit in economics, and one credit in world geography or world history;
 - (5) except as provided under Subsections (b-12), (b-13), and (b-14), two credits in the same language in a language other than English under Section [28.002](#)(a)(2)(A);
 - (6) five elective credits;

- (7) one credit in fine arts under Section [28.002\(a\)\(2\)\(D\)](#); and
 - (8) except as provided by Subsection (b-11), one credit in physical education under Section [28.002\(a\)\(2\)\(C\)](#).
- (b-2) In adopting rules under Subsection (b-1), the State Board of Education shall:
- (1) provide for a student to comply with the curriculum requirements for an advanced English course under Subsection (b-1)(1), for an advanced mathematics course under Subsection (b-1)(2), and for any advanced science course under Subsection (b-1)(3) by successfully completing a course in the appropriate content area that has been approved as an advanced course by board rule or that is offered as an advanced course for credit without board approval as provided by Section [28.002\(g-1\)](#); and
 - (2) allow a student to comply with the curriculum requirements for the third and fourth mathematics credits under Subsection (b-1)(2) or the third and fourth science credits under Subsection (b-1)(3) by successfully completing an advanced career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content.
- (b-3) In adopting rules for purposes of Subsection (b-2), the State Board of Education must approve a variety of advanced English, mathematics, and science courses that may be taken to comply with the foundation high school program requirements, provided that each approved course prepares students to enter the workforce successfully or postsecondary education without remediation.
- (b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections [39.023\(c\)](#) and [39.025](#).
- (b-5) A school district may offer a mathematics or science course to be taken by a student after completion of Algebra II and physics. A course approved under this subsection must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit.
- (b-6) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.
- (b-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 a dual language immersion program under Section [28.0051](#) at an elementary school.
- (c) A person may receive a diploma if the person is eligible for a diploma under Section [28.0251](#). In other cases, a student may graduate and receive a diploma only if:
- (1) the student successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) and complies with Section [39.025](#); or
 - (2) the student successfully completes an individualized education program developed under Section [29.005](#).
- (c-1) A student may earn an endorsement on the student's transcript by successfully completing curriculum requirements for that endorsement adopted by the State Board of Education by rule. The State Board of Education by rule shall provide students with multiple options for earning

each endorsement, including, to the greatest extent possible, coherent sequences of courses. The State Board of Education by rule must permit a student to enroll in courses under more than one endorsement curriculum before the student's junior year. An endorsement under this subsection may be earned in any of the following categories:

- (1) science, technology, engineering, and mathematics (STEM), which includes courses directly related to science, including environmental science, technology, including computer science, cybersecurity, and computer coding, engineering, and advanced mathematics;
 - (2) business and industry, which includes courses directly related to database management, information technology, communications, accounting, finance, marketing, graphic design, architecture, construction, welding, logistics, automotive technology, agricultural science, and heating, ventilation, and air conditioning;
 - (3) public services, which includes courses directly related to health sciences and occupations, mental health, education and training, law enforcement, and culinary arts and hospitality;
 - (4) arts and humanities, which includes courses directly related to political science, world languages, cultural studies, English literature, history, and fine arts; and
 - (5) multidisciplinary studies, which allows a student to:
 - (A) select courses from the curriculum of each endorsement area described by Subdivisions (1) through (4); and
 - (B) earn credits in a variety of advanced courses from multiple content areas sufficient to complete the distinguished level of achievement under the foundation high school program.
- (c-2) In adopting rules under Subsection (c-1), the State Board of Education shall:
- (1) require a student in order to earn any endorsement to successfully complete:
 - (A) four credits in mathematics, which must include:
 - (i) the courses described by Subsection (b-1)(2); and
 - (ii) an additional advanced mathematics course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education;
 - (B) four credits in science, which must include:
 - (i) the courses described by Subsection (b-1)(3); and
 - (ii) an additional advanced science course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education; and
 - (C) two elective credits in addition to the elective credits required under Subsection (b-1)(6); and
 - (2) develop additional curriculum requirements for each endorsement with the direct participation of educators and business, labor, and industry representatives, and shall require each school district to report to the agency the categories of endorsements under Subsection (c-1) for which the district offers all courses for curriculum requirements, as determined by board rule.

- (c-3) In adopting rules under Subsection (c-1), the State Board of Education shall adopt criteria to allow a student participating in the arts and humanities endorsement under Subsection (c-1)(4), with the written permission of the student's parent or a person standing in parental relation to the student, to comply with the curriculum requirements for science required under Subsection (c-2)(1)(B)(ii) by substituting for an advanced course requirement a course related to that endorsement.
- (c-4) Each school district must make available to high school students courses that allow a student to complete the curriculum requirements for at least one endorsement under Subsection (c-1). A school district that offers only one endorsement curriculum must offer the multidisciplinary studies endorsement curriculum.
- (c-5) A student may earn a performance acknowledgment on the student's transcript by satisfying the requirements for that acknowledgment adopted by the State Board of Education by rule. An acknowledgment under this subsection may be earned:
 - (1) for outstanding performance:
 - (A) in a dual credit course;
 - (B) in bilingualism and biliteracy;
 - (C) on a college advanced placement test or international baccalaureate examination;
 - (D) on an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or
 - (E) on an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
 - (2) for earning a state recognized or nationally or internationally recognized business or industry certification or license.
- (c-6) Notwithstanding Subsection (c), a person may receive a diploma if the person is eligible for a diploma under Section [28.0258](#). This subsection expires September 1, 2019.
- (c-10) In adopting rules under Subsection (c-1), the State Board of Education shall adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the science, technology, engineering, and mathematics endorsement.
- (d) A school district may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) but who fails to comply with Section [39.025](#). A school district may allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.
- (e) Each school district shall report the academic achievement record of students who have completed the foundation high school program on transcript forms adopted by the State Board of Education. The transcript forms adopted by the board must be designed to clearly identify whether a student received a diploma or a certificate of coursework completion.
- (e-1) A school district shall clearly indicate a distinguished level of achievement under the foundation high school program as described by Subsection (b-15), an endorsement described by Subsection (c-1), and a performance acknowledgment described by Subsection (c-5) on the transcript of a student who satisfies the applicable requirements. The State Board of Education shall adopt rules as necessary to administer this subsection.

- (e-2) At the end of each school year, each school district shall report through the Public Education Information Management System (PEIMS) the number of district students who, during that school year, were:
 - (1) enrolled in the foundation high school program;
 - (2) pursuing the distinguished level of achievement under the foundation high school program as provided by Subsection (b-15); and
 - (3) enrolled in a program to earn an endorsement described by Subsection (c-1).
- (e-3) Information reported under Subsection (e-2) must be disaggregated by all student groups served by the district, including categories of race, ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter [29](#).
- (f) A school district shall issue a certificate of attendance to a student who receives special education services under Subchapter A, Chapter [29](#), and who has completed four years of high school but has not completed the student's individualized education program. A school district shall allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. A student may participate in only one graduation ceremony under this subsection. This subsection does not preclude a student from receiving a diploma under Subsection (c)(2).
- (g) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.
- (h) The commissioner by rule shall adopt a transition plan to implement and administer the amendments made by H.B. No. 5, 83rd Legislature, Regular Session, 2013, replacing the minimum, recommended, and advanced high school programs with the foundation high school program beginning with the 2014-2015 school year. Under the transition plan, a student who entered the ninth grade before the 2014-2015 school year must be permitted to complete the curriculum requirements required for high school graduation under:
 - (1) the foundation high school program, if the student chooses during the 2014-2015 school year to take courses under this program;
 - (2) the minimum high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year;
 - (3) the recommended high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year; or
 - (4) the advanced high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year.
- (h-1) This subsection and Subsection (h) expire September 1, 2018.
- (i) If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. In this subsection, "student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 29. EDUCATIONAL PROGRAMS
SUBCHAPTER D. EDUCATIONAL PROGRAMS FOR GIFTED AND TALENTED STUDENTS

TEC, §29.123. STATE PLAN; ASSISTANCE.

The State Board of Education shall develop and periodically update a state plan for the education of gifted and talented students to guide school districts in establishing and improving programs for identified students. The regional education service centers may assist districts in implementing the state plan. In addition to obtaining assistance from a regional education service center, a district may obtain other assistance in implementing the plan. The plan shall be used for accountability purposes to measure the performance of districts in providing services to students identified as gifted and talented.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §31.003. RULES.

The State Board of Education may adopt rules, consistent with this chapter, for the adoption, requisition, distribution, care, use, and disposal of instructional materials.

TEXAS EDUCATION CODE
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §31.022. INSTRUCTIONAL MATERIALS REVIEW AND ADOPTION.

- (a) The State Board of Education shall adopt a review and adoption cycle for instructional materials for elementary grade levels, including prekindergarten, and secondary grade levels, for each subject in the required curriculum under Section 28.002. In adopting the cycle, the board:
 - (1) is not required to review and adopt instructional materials for all grade levels in a single year; and
 - (2) shall give priority to instructional materials in the following subjects:
 - (A) foundation curriculum subjects for which the essential knowledge and skills have been substantially revised and for which assessment instruments are required under Subchapter B, Chapter 39, including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n);
 - (B) foundation curriculum subjects for which the essential knowledge and skills have been substantially revised, including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n);
 - (C) foundation curriculum subjects not described by Paragraph (A) or (B), including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n); and
 - (D) enrichment curriculum subjects.
- (b) The board shall organize the cycle for subjects in the foundation curriculum so that not more than one-fourth of the instructional materials for subjects in the foundation curriculum are reviewed each biennium. The board shall adopt rules to provide for a full and complete investigation of instructional materials for each subject in the foundation curriculum every eight years. The adoption of instructional materials for a subject in the foundation curriculum may be extended beyond the eight-year period only if the content of instructional materials for a subject is sufficiently current.
- (c) The board shall adopt rules to provide for a full and complete investigation of instructional materials for each subject in the enrichment curriculum on a cycle the board considers appropriate.
- (d) At least 12 months before the beginning of the school year for which instructional materials for a particular subject and grade level will be adopted under the review and adoption cycle, the board shall publish notice of the review and adoption cycle for those instructional materials. A request for production must allow submission of open education resource instructional materials that are available for use by the state without charge on the same basis as instructional materials offered for sale.
- (d-1) A notice published under Subsection (d) must state that a publisher of adopted instructional materials for a grade level other than prekindergarten must submit an electronic sample of the instructional materials as required by Sections 31.027(a) and (b) and may not submit a print sample copy.
- (e) The board shall designate a request for production of instructional materials in a subject area and grade level by the school year in which the instructional materials are intended to be made available in classrooms and not by the school year in which the board makes the request for production.
- (f) The board shall amend any request for production issued for the purchase of instructional materials to conform to the instructional materials funding levels provided by the General Appropriations Act for the year of implementation.
- (g) In reviewing and adopting instructional materials, the board shall consider a school district's need for technology as well as instructional materials and in any biennium may limit the adoption of instructional materials to provide sufficient resources to purchase technology resources, including digital curriculum.
- (h) The board shall include information regarding open education resource instructional materials during the adoption cycle, including any cost savings associated with the adoption of open education resource instructional materials.

TEXAS EDUCATION CODE
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER B-2. INSTRUCTIONAL MATERIALS WEB PORTAL

TEC, §31.081. INSTRUCTIONAL MATERIALS WEB PORTAL.

- (a) The commissioner shall develop and maintain a web portal to assist school districts and open-enrollment charter schools in selecting instructional materials under Section [31.101](#).
- (b) The web portal must include general information such as price, computer system requirements, and any other relevant specifications for each instructional material:
 - (1) on the instructional materials list, including the list adopted under Section [31.0231](#); or
 - (2) submitted by a publisher for inclusion in the web portal.
- (c) The commissioner by rule shall establish the procedure by which a publisher may submit instructional materials for inclusion in the web portal.
- (d) The commissioner shall use a competitive process to contract for the development of the web portal.

TEXAS EDUCATION CODE
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER B-2. INSTRUCTIONAL MATERIALS WEB PORTAL

TEC, §31.082. QUALITY OF INSTRUCTIONAL MATERIALS SUBMITTED BY PUBLISHER.

- (a) The commissioner shall contract with a private entity to conduct an independent analysis of each instructional material submitted by a publisher for inclusion in the web portal developed under Section [31.081](#). The analysis must:
 - (1) evaluate the quality of the material; and
 - (2) determine the extent to which the material covers the essential knowledge and skills identified under Section [28.002](#) for the subject and grade level for which the material is intended to be used, including an identification of:
 - (A) each of the essential knowledge and skills for the subject and grade level or levels covered by the material; and
 - (B) the percentage of the essential knowledge and skills for the subject and grade level or levels covered by the material.
- (b) The commissioner shall include in the web portal developed under Section [31.081](#) the results of each analysis conducted under Subsection (a).

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; and
 - (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](#).

(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.

Text of subsection as amended by Acts 2017, 85th Leg., R.S., Ch. 581 (S.B. [810](#)), Sec. 31

(d) A penalty collected under this section shall be deposited to the credit of the state instructional materials and technology fund.

Text of subsection as amended by Acts 2017, 85th Leg., R.S., Ch. 705 (H.B. [3526](#)), Sec. 19

(d) A penalty collected under this section shall be deposited to the credit of the state technology and instructional materials fund.

(e) An eligible institution, as defined by Section [31.0241](#)(a), that offers open education resource instructional materials under Section [31.0241](#) is not a publisher or manufacturer for purposes of this section.

TEXAS EDUCATION CODE
CHAPTER 33. SERVICE PROGRAMS AND EXTRACURRICULAR ACTIVITIES
SUBCHAPTER D. EXTRACURRICULAR ACTIVITIES

TEC, §33.081. EXTRACURRICULAR ACTIVITIES.

- (a) The State Board of Education by rule shall limit participation in and practice for extracurricular activities during the school day and the school week. The rules must, to the extent possible, preserve the school day for academic activities without interruption for extracurricular activities. In scheduling those activities and practices, a school district must comply with the rules of the board.
- (b) A student enrolled in a school district in this state or who participates in an extracurricular activity or a University Interscholastic League competition is subject to school district policy and University Interscholastic League rules regarding participation only when the student is under the direct supervision of an employee of the school or district in which the student is enrolled or at any other time specified by resolution of the board of trustees of the district.
- (c) A student who is enrolled in a school district in this state or who participates in a University Interscholastic League competition shall be suspended from participation in any extracurricular activity sponsored or sanctioned by the school district or the University Interscholastic League after a grade evaluation period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than a course described by Subsection (d-1). A suspension continues for at least three school weeks and is not removed during the school year until the conditions of Subsection (d) are met. A suspension does not last beyond the end of a school year. For purposes of this subsection, "grade evaluation period" means:
 - (1) the six-week grade reporting period; or
 - (2) the first six weeks of a semester and each grade reporting period thereafter, in the case of a district with a grade reporting period longer than six weeks.
- (d) Until the suspension is removed under this subsection or the school year ends, a school district shall review the grades of a student suspended under Subsection (c) at the end of each three-week period following the date on which the suspension began. At the time of a review, the suspension is removed if the student's grade in each class, other than a course described by Subsection (d-1), is equal to or greater than the equivalent of 70 on a scale of 100. The principal and each of the student's teachers shall make the determination concerning the student's grades.
- (d-1) Subsections (c) and (d) do not apply to an advanced placement or international baccalaureate course, or to an honors or dual credit course in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English. The agency shall review on a biennial basis courses described by this subsection to determine if other courses should be excluded from the requirement that a student be suspended from participation in an extracurricular activity under Subsection (c). Not later than January 1 of each odd-numbered year, the agency shall report the findings under this subsection to the legislature.
- (e) Suspension of a student with a disability that significantly interferes with the student's ability to meet regular academic standards must be based on the student's failure to meet the requirements of the student's individualized education program. The determination of whether a disability significantly interferes with a student's ability to meet regular academic standards must be made by the student's admission, review, and dismissal committee. For purposes of this subsection, "student with a disability" means a student who is eligible for a district's special education program under Section [29.003\(b\)](#).
- (f) A student suspended under this section may practice or rehearse with other students for an extracurricular activity but may not participate in a competition or other public performance.
- (g) An appeal to the commissioner is not a contested case under Chapter [2001](#), Government Code, if the issues presented relate to a student's eligibility to participate in extracurricular activities, including issues related to the student's grades or the school district's grading policy as applied to the student's eligibility. The commissioner may delegate the matter for decision to a person the commissioner designates. The decision of the commissioner or the commissioner's designee in a matter governed by this subsection may not be appealed except on the grounds that the decision is arbitrary or capricious. Evidence may not be introduced on appeal other than the record of the evidence before the commissioner.

TEXAS EDUCATION CODE
TITLE 2: PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 42. FOUNDATION SCHOOL PROGRAM
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §42.004. ADMINISTRATION OF THE PROGRAM.

The commissioner, in accordance with the rules of the State Board of Education, shall take such action and require such reports consistent with this chapter as may be necessary to implement and administer the Foundation School Program.

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, §44.001. FISCAL GUIDELINES.

- (a) The commissioner shall establish advisory guidelines relating to the fiscal management of a school district.
- (b) The commissioner shall report annually to the State Board of Education the status of school district fiscal management as reflected by the advisory guidelines and by statutory requirements.

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 EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.053. LIMITATION; VALUE ESTIMATES.

- (a) Except as provided by Subsection (d), the commissioner may not approve bonds for guarantee under this subchapter if the approval would result in the total amount of outstanding guaranteed bonds under this subchapter exceeding an amount equal to 2-1/2 times the cost value of the permanent school fund, as estimated by the board and certified by the state auditor.
- (b) Each year, the state auditor shall analyze the status of guaranteed bonds under this subchapter as compared to the cost value of the permanent school fund. Based on that analysis, the state auditor shall certify whether the amount of bonds guaranteed under this subchapter is within the limit prescribed by this section.
- (c) The commissioner shall prepare and the board shall adopt an annual report on the status of the guaranteed bond program under this subchapter.
- (d) The board by rule may increase the limit prescribed by Subsection (a) to an amount not to exceed five times the cost value of the permanent school fund, provided that the increased limit is consistent with federal law and regulations and does not prevent the bonds to be guaranteed from receiving the highest available credit rating, as determined by the board. The board shall at least annually consider whether to change any limit in accordance with this subsection. This subsection may not be construed in a manner that impairs, limits, or removes the guarantee of bonds that have been approved by the commissioner.

GOVERNMENT CODE
TITLE 10. GENERAL GOVERNMENT
SUBTITLE A. ADMINISTRATIVE PROCEDURE AND PRACTICE
CHAPTER 2001. ADMINISTRATIVE PROCEDURE
SUBCHAPTER A. GENERAL PROVISIONS

TGC, §2001.004. REQUIREMENT TO ADOPT RULES OF PRACTICE AND INDEX RULES, ORDERS, AND DECISIONS.

In addition to other requirements under law, a state agency shall:

- (1) adopt rules of practice stating the nature and requirements of all available formal and informal procedures;
- (2) index, cross-index to statute, and make available for public inspection all rules and other written statements of policy or interpretations that are prepared, adopted, or used by the agency in discharging its functions; and
- (3) index, cross-index to statute, and make available for public inspection all final orders, decisions, and opinions.

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.

This page has been intentionally left blank.

Minutes

State Board of Education

January 28, 2019

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

DONNA BAHORICH, Houston
Chair of the State Board of Education
District 6

MARTY ROWLEY, Amarillo
Vice Chair of the State Board of
Education
District 15

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

Board Members

LAWRENCE ALLEN, JR., Houston
District 4

PAM LITTLE, Fairview
District 12

BARBARA CARGILL, Conroe
District 8

TOM MAYNARD, Florence
District 10

RUBEN CORTEZ, JR., Brownsville
District 2

SUE MELTON-MALONE, Robinson
District 14

AICHA DAVIS, Dallas
District 13

KEN MERCER, San Antonio
District 5

KEVEN ELLIS, Lufkin
District 9

MARISA PEREZ-DIAZ, Converse
District 3

PATRICIA HARDY, Fort Worth
District 11

MATT ROBINSON, Friendswood
District 7

Committees of the State Board of Education

INSTRUCTION

Sue Melton-Malone, Chair
Pam Little, Vice Chair
Aicha Davis
Georgina C. Pérez
Marty Rowley

SCHOOL FINANCE/PERMANENT SCHOOL FUND

Tom Maynard, Chair
Lawrence A. Allen, Jr., Vice Chair
Donna Bahorich
Patricia Hardy
Ken Mercer

SCHOOL INITIATIVES

Barbara Cargill, Chair
Marisa B. Perez-Diaz, Vice Chair
Ruben Cortez, Jr.
Keven Ellis
Matt Robinson

Minutes
State Board of Education
January 28, 2019

The State Board of Education met at 11:36 a.m. on Monday, January 28, 2019, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. The following members of the board were present:

Present: Donna Bahorich, chair; Lawrence A. Allen, Jr.; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Keven Ellis; Pat Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez, secretary; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley, vice chair

1. Swearing-in Ceremony for Members of the State Board of Education
(Board agenda page SBOE-1)

The Honorable Larry Taylor, Texas Senate, administered the Oath of Office to Matt Robinson, Pam Little, and Aicha Davis, the newly elected members of the State Board of Education (SBOE) Districts 7, 12, and 13, respectively; and the following re-elected SBOE members: Ruben Cortez, Jr. District 2; Marisa B. Perez-Diaz, District 3; Lawrence A. Allen, Jr., District 4; and Pat Hardy, District 11.

A student performance was provided by the Mariachi Juvenil Azteca from the Edcouch-Elsa High School in the Edcouch-Elsa Independent School District.

2. Review and Adoption of State Board of Education Operating Rules
(Board agenda page SBOE-2)

Debbie Ratcliffe, executive director, state board of education support, explained the changes recommended by staff to the State Board of Education Operating Rules.

MOTION AND VOTE: *It was moved by Mr. Maynard and carried that the State Board of Education strike “shall” in §1.2(e) and substitute the word “may.”*

MOTION AND VOTE: *It was moved by Mr. Maynard and carried that the State Board of Education amend §1.2(f) by adding the following sentence: “The Chair or the Commissioner may request that the Attorney General issue an opinion under Texas Government Code §402.042.”*

MOTION: *It was moved by Mr. Maynard and seconded by Mr. Mercer that the State Board of Education amend §1.3 to read as follows:*

“With the exception of the chair and vice chair, the seating of board members will be by State Board of Education districts. The seating of the remaining 13 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.”

MOTION AND VOTE: *It was moved by Dr. Ellis, seconded by Mr. Mercer, and carried to amend the language to add “and secretary” to the list of exceptions to read as follows:*

“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 of 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.”

VOTE: *A vote was taken on the motion as amended. The motion carried.*

MOTION AND VOTE: *By unanimous consent, the State Board of Education added “or adjourned” to §2.1 to read as follows:*

“In accordance with Texas Education Code, §7.106, four regular meetings of the board a year shall be held in Austin, Texas. If a quorum is not present for a meeting, the meeting shall be recessed or adjourned and all items on the agenda shall be heard at a subsequent meeting.”

MOTION AND VOTE: *By unanimous consent, the State Board of Education voted to amend §2.6(b) to read as follows:*

“The chair may authorize the board to meet via videoconference call. As required by Government Code §551.127(c) [~~(b)~~], 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. ~~a quorum of the board must be physically present in one location for the meeting.~~ The chair may limit the number of remote videoconference locations in the interest of decorum and teleconference capacity.”

MOTION AND VOTE: *It was moved by Dr. Ellis and carried unanimously that the State Board of Education strike §2.6(c), which read “~~The board reserves the right to restrict the use of cell phones during all meetings of the board and its committees~~” and to renumber subsequent sections.*

MOTION AND VOTE: *It was moved by Mr. Rowley and carried that the State Board of Education amend §2.7(c) to add “flags, noisemakers.”*

MOTION AND VOTE: *By unanimous consent, the State Board of Education amended §2.7 to add (e) to read as follows:*

“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.”

MOTION AND VOTE: *It was moved by Mr. Maynard and carried that the State Board of Education amend §2.9(a) to read as follows:*

“A member wishing to offer a resolution shall give notice of the resolution by submitting a copy to the chair and the Division of State Board of Education Support not less than four weeks prior to the Monday of the week the resolution is to be considered. [~~at least one week prior to the posting deadline for the board 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.”

MOTION AND VOTE: *It was moved by Mr. Maynard and carried that the State Board of Education amend §2.9(b) to read as follows:*

~~“The board may by unanimous consent pass a congratulatory, commendatory, or other non-substantive resolutions without the notice required by this section. Titles for congratulatory, commendatory or other non-substantive resolutions shall be submitted by the timelines prescribed in this section with resolution text following at a date and time consistent with the staff’s pre-meeting preparation timeline.”~~

MOTION AND VOTE: *It was moved by Mr. Maynard that the State Board of Education strike “or by facsimile at (512) 936-4319” in §2.10(b)(1). The motion failed.*

MOTION AND VOTE: *By unanimous consent, the State Board of Education struck §2.10(b)(2), which reads “The commissioner of education may update the agency liaison divisions as necessary based upon the agency’s organizational structure.” and renumber subsequent sections.*

MOTION AND VOTE: *It was moved by Mrs. Cargill that the State Board of Education amend §2.10(c)(2) to add “Two” and strike “Three.” The motion failed.*

MOTION AND VOTE: *By unanimous consent, the State Board of Education struck “yellow pages” from §2.10(d)(1).*

MOTION AND VOTE: *It was moved by Mr. Maynard and carried that the State Board of Education amend §2.12(b) by adding “set out in §2.10(b)” and striking “established by the agency office responsible for the subject matter.”*

MOTION AND VOTE: *By unanimous consent, the State Board of Education amended §2.13 to read as follows:*

Written Public Comments Regarding Proposed Rulemaking.

All interested persons have a reasonable opportunity to submit data, views and arguments to the board in writing, prior to the board adoption of any rule. ~~Public~~ Written ~~public~~ comments regarding proposed board rules may be submitted ~~filed with the board~~ as provided in the notice of proposed rulemaking published ~~contained~~ in the Texas Register. The deadline for submitting public comments is 5:00 p.m. on Friday the week prior to the start of the board meeting. The board will also take registered oral and written comments on proposed rulemaking at the appropriate committee meeting.”

MOTION AND VOTE: *It was moved by Dr. Ellis and carried that the State Board of Education strike “(1) telephone calls;” and “(4) fax fees” from §3.1(g) and renumber the remaining items.*

MOTION AND VOTE: *By unanimous consent, the State Board of Education amended §3.2(b) by adding “A Division of State Board of Education Support staff member” and striking “The senior executive assistant to the board.”*

MOTION: *It was moved by Mr. Cortez and seconded by Ms. Perez-Diaz that the State Board of Education amend §3.3(c) by adding “charter revision or charter amendment.”*

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Ms. Perez-Diaz, and carried, that the State Board of Education amend the motion to add “§7.102(c)(9)” and strike the reference to “§12.101(b-0)” to read as follows:*

“Evaluation. Each board member will individually report to the Committee on School Initiatives regarding his/her evaluation of a proposed charter, charter revision or charter amendment, prior to consideration of the charter by the board under Section 7.102(c)(9) ~~12.101(b-0)~~. The Committee on School Initiatives will develop a standard form for use by board members in evaluating a charter under this section.”

VOTE: *A vote was taken on the motion as amended. The motion failed with 7 members voting Aye and 8 members voting No as follows:*

<u>Aye:</u>	<i>Mr. Allen</i>	<i>Ms. Perez-Diaz</i>
	<i>Mr. Cortez</i>	<i>Dr. Robinson</i>
	<i>Ms. Davis</i>	<i>Mr. Rowley</i>
	<i>Ms. Pérez</i>	

<u>No:</u>	<i>Mrs. Bahorich</i>	<i>Mrs. Little</i>
	<i>Mrs. Cargill</i>	<i>Mr. Maynard</i>
	<i>Dr. Ellis</i>	<i>Mrs. Melton-Malone</i>
	<i>Ms. Hardy</i>	<i>Mr. Mercer</i>

MOTION AND VOTE: *It was moved by Mr. Maynard and carried that the State Board of Education amend §4.1(a) to add “School Land Board.”*

MOTION AND VOTE: *By unanimous consent, the State Board of Education amended §5.2(c)(2) by striking “mandatory 30 day.”*

MOTION AND VOTE: *By unanimous consent, the State Board of Education amended §5.7 to read as follows:*

“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. ~~on 5 p.m. or two hours following the adjournment of the Committee of the Full Board, whichever is later, on the day prior to the amendment being considered by the board in accordance with rules adopted by the board relating to the TEKS adoption process.~~ All amendments shall be made available to the public to the extent possible. This rule may be suspended by a two-thirds vote.”

MOTION AND VOTE: *By unanimous consent, the State Board of Education struck §6.1(a) and renumber subsequent sections.*

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mr. Rowley, and carried that the State Board of Education strike the following language from the Resolution, “As specified in the operating rules of the State Board of Education, ‘the board may from time to time define by resolution the areas of oversight of each committee as may be necessary.’ This resolution specifies the areas of oversight for each board committee currently delineated in the*

board's operating rules.” to add to §1.2(a) “and their areas of oversight;” to add under §1.2(a) the following language:

Committee of the Full Board

1. Public testimony
2. Establishment of essential knowledge and skills (TEKS)
3. Adopt instructional materials

Committee on Instruction

1. Establishment of curriculum and graduation requirements
2. Curriculum implementation (including procedures concerning dyslexia and related disorders)
3. Instructional materials proclamations
4. Student assessment program implementation
5. General education
6. Education of individuals with disabilities
7. Gifted and talented education
8. Adult education
9. Library standards
10. Texas School for the Blind and Visually Handicapped/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. Review commissioner’s annual FSP budget
6. Community education funding
7. Permanent School Fund management oversight, including audit responsibility, investment objectives, and investment decisions

Committee on School Initiatives

1. Long-range plans required by statute
2. Educational technology and telecommunications
3. Review and evaluation of charter school applications the commissioner of education proposes to grant
4. State Board for Educator Certification rules review
5. School board member training policy
6. Hearing examiners
7. Military reservation and special school districts
8. Extracurricular activities
9. Home-rule school district probation and revocation

and to add the following language “(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 operating rules reviews” and re-lettering subsequent sections.

MOTION AND VOTE: *It was moved by Mr. Maynard and carried that the State Board of Education add the following area of oversight to the Committee on School Finance/Permanent School Fund: “school bond guarantee program.”*

MOTION AND VOTE: *It was moved by Mr. Cortez and carried that the State Board of Education amend an area of oversight of the Committee on School Initiatives to read: “3. Review and evaluation of charter school applications, revisions, and amendments the commissioner of education proposes to grant”*

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mr. Maynard, and carried that the State Board of Education adopt the Operating Rules as amended.*

(ATTACHMENT, PAGE 8)

3. Election of State Board of Education Officers
(Board agenda page SBOE-29)

Pursuant to the provisions of the Texas Education Code (TEC), §7.107, at the first regular meeting after the election and qualification of new SBOE members, the board shall elect by separate votes a vice chair and a secretary. The vice chair and secretary of the board will be elected to serve for terms of two years and until their successors are elected.

NOMINATIONS: *Mr. Maynard nominated Mr. Rowley for vice chair of the State Board of Education for a two-year term.*

Mr. Allen nominated Mr. Cortez for vice chair of the State Board of Education for a two-year term.

Mr. Rowley was elected vice chair of the State Board of Education.

NOMINATION: *Mr. Maynard nominated Ms. Pérez for secretary of the State Board of Education for a two-year term.*

Mr. Cortez nominated Ms. Perez-Diaz for secretary of the State Board of Education for a two-year term.

Ms. Pérez was elected secretary of the State Board of Education.

4. Announcement of Membership of Committees
(Board agenda page SBOE-31)

Pursuant to the provisions of the Texas Education Code (TEC), §7.107, at the board’s first regular meeting after the election and qualification of new members, the board shall organize.

Mr. Rowley announced the membership of the committees of the board, as follows:

Committee on Instruction

Aicha Davis
Pam Little
Sue Melton-Malone
Georgina C. Pérez
Marty Rowley

Committee on School Finance/Permanent School Fund

Lawrence A. Allen, Jr.
Donna Bahorich
Patricia “Pat” Hardy
Tom Maynard
Ken Mercer

Committee on School Initiatives

Barbara Cargill
Ruben Cortez, Jr.
Keven Ellis
Marisa B. Perez-Diaz
Matt Robinson

The meeting adjourned at 2:32 p.m.

Georgina C. Pérez, Secretary

STATE BOARD OF EDUCATION OPERATING RULES
(Amended January 28, 2019 [~~January 31, 2017~~])

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 in accordance with Texas Education Code, §7.107, to serve for a term of two years and until their successors are elected.
- (2) In case of death or resignation of the vice chair or the secretary of the board, the board shall elect a board member to fill the vacancy for the unexpired term of that officer at the next board meeting. Either of these officers may be removed from office by a vote of not less than two-thirds of the membership of the board.

(b) Duties.

- (1) Chair. The chair shall preside at meetings and perform all other duties prescribed by law, by board rule, or by board direction.
- (2) Vice chair. The vice chair shall perform the duties of the chair in case of absence or disability of the chair and other duties as the chair may request. Should the office of the chair become vacant, the vice chair shall serve as chair until a successor has been appointed by the governor.
- (3) Secretary. The secretary shall perform all duties as required by law and such other duties as the chair may request.

§1.2. Committees of the Board.

- (a) The standing committees of the board and their areas of oversight are:

Committee of the Full Board

1. Public testimony
2. Establishment of essential knowledge and skills (TEKS)
3. Adoption of instructional materials

Committee on Instruction

1. Establishment of curriculum and graduation requirements
2. Curriculum implementation (including procedures concerning dyslexia and related disorders)
3. Instructional materials proclamations
4. Student assessment program implementation

5. General education
6. Education of individuals with disabilities
7. Gifted and talented education
8. Adult education
9. Library standards
10. Texas School for the Blind and Visually Handicapped/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. Review commissioner's annual FSP budget
6. Community education funding
7. the Bond Guarantee Program
8. Permanent School Fund management oversight, including audit responsibility, investment objectives, and investment decisions

Committee on School Initiatives

1. Long-range plans required by statute
2. Educational technology and telecommunications
3. Review and evaluation of charter school applications, revisions, and amendments the commissioner of education proposes to grant
4. State Board for Educator Certification rules review
5. School board member training policy
6. Hearing examiners
7. Military reservation and special school districts
8. Extracurricular activities
9. Home-rule school district probation and revocation

~~[(1) — Committee of the Full Board;~~

~~(2) — Committee on Instruction;~~

~~(3) — Committee on School Finance/Permanent School Fund; and~~

~~(4) — Committee on School Initiatives.]~~

(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) [~~(e)~~] 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) [~~(d)~~] The Committees on Instruction, School Finance/Permanent School Fund, and School Initiatives shall be composed of five members selected by the officers of the board. Each member will serve on one committee in addition to the Committee of the Full Board. The officers of the board shall request in writing the committee choices of the members ranked in order of preference and shall make committee assignments in the public view for terms of two years at the organizational meeting after the qualification of new members as the next order of business following election of board officers and adoption of rules. Vacancies shall be filled in a similar fashion. In addition to preference, the officers of the board shall also consider seniority (total years of service), ethnicity balance, gender balance, and relevant qualifications specific to a committee assignment in making committee assignments. Each committee shall elect a chair from among its members and the chair may appoint a vice chair. An officer of the board is not eligible to serve as the chair of a standing committee.
- (f) [~~(e)~~] Ad hoc committees. Ad hoc committees (i.e., task forces) may [~~shall~~] be constituted from time to time as directed by a vote of the board or by the chair to perform such duties as the board or chair may assign. The personnel and length of service of ad hoc committees shall be designated by the chair unless otherwise directed by a vote of the board. No action taken by any ad hoc committee shall be final or binding upon the board unless otherwise directed by a vote of the board.
- (g) [~~(f)~~] From time to time 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 the Division of State Board of Education Support and shall be reflected in the minutes of the committee meeting. The Chair or the Commissioner may request that the Attorney General issue an opinion under Texas Government Code §402.042.

§1.3. Board Member Seating Selection.

With the exception of the chair, vice chair, and secretary, the seating of board members will be by State Board of Education districts. The seating for the remaining 12 members will be rotated annually at the first board meeting of the calendar year. Any member with a special need may exchange seats with another board member who is in agreement with that exchange.

CHAPTER 2. MEETINGS

The statutory citations for this chapter are the Texas Education Code, §§7.055, 7.106, 7.107, 7.110, and 39.030, and the Texas Government Code, Title 5, Open Government; Ethics, Subtitle A, Open Government, Chapter 551, Open Meetings.

§2.1. Regular Meetings of the Board.

In accordance with Texas Education Code, §7.106, four regular meetings of the board a year shall be held in Austin, Texas. If a quorum is not present for a meeting, the meeting shall be recessed or adjourned and all items on the agenda shall be heard at a subsequent meeting.

§2.2. Special Meetings of the Board.

Special meetings of the board may be held at times and places as ordered by the chair during a regular meeting, or special meetings may be called by the chair of the board to be held at a time and place the chair shall designate.

§2.3. Open Meetings.

Regular, special, and committee meetings of the board shall be open to the public; however, the board or board committees may meet in executive session in accordance with law and these rules. Open meetings of the board and standing committees shall be broadcast live over the Internet.

§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 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. Other than as is provided in subsection (b) and (c), all agenda items are subject to the approval of the chair of the board. Materials supplementing the agenda may be included. Official agendas will be available the day of the board 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, other than the Committee of the Full Board, place an item on the agenda of that chair's committee, 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 of 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.

§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 videoconference call. As required by Government Code §551.127(c)~~[(b)]~~, 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. ~~[a quorum of the board must be physically present in one location for the meeting.]~~ The chair may limit the number of remote videoconference locations in the interest of decorum and teleconference capacity.
- ~~[(c) The board reserves the right to restrict the use of cell phones during all meetings of the board and its committees.]~~
- ~~(c) [(d)]~~ No posters, props, or other visual displays are allowed by board members within the meeting rooms without permission from the presiding chair.

§2.7. Rules of Order.

- (a) The board shall observe *Robert's Rules of Order, Newly Revised*, except as otherwise provided by board rules or by statute.
- (b) The presiding chair shall preserve order and decorum during meetings. In case of disturbance or disorderly conduct in the public gallery, the chair may order that any disruptive individuals be cleared from the area.
- (c) No signs, placards, flags, noisemakers, or other objects of a similar nature shall be permitted in the audience gallery area.

- (d) No applause, outburst or other demonstration by any spectator shall be permitted during the public testimony, public hearing or debate portion of any State Board of Education meeting. After warnings to the audience to refrain from such demonstrations, the presiding chair may direct that disruptive individuals in the gallery area be removed as necessary to preserve decorum during meetings.
- (e) Supporters of a testifier may not gather behind the podiums used for testimony. Testifiers are free to use a portion of their testimony time to acknowledge supporters seated in the audience.

§2.8. Minutes.

The official minutes of the board shall be kept by the office of the commissioner of education or the commissioner's designee and shall be available to any citizen desiring to examine them. Official minutes are those which the board has approved and which carry the original signature of the secretary of the board.

§2.9. Resolutions.

- (a) A member wishing to offer a resolution shall give notice of the resolution by submitting a copy to the chair and the Division of State Board of Education Support not less than four weeks prior to the Monday of the week the resolution is to be considered. [~~at least one week prior to the posting deadline for the board 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 at a date and time consistent with the staff's pre-meeting preparation timeline. [~~The board may by unanimous consent pass a congratulatory, commendatory, or other non-substantive resolution without the notice required by this section.~~]
- (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(c).
 - (3) Nothing in the resolution shall be construed to replace or modify any final action taken by the board under 19 TAC Chapter 66.

- (4) The board may adopt a resolution expressing an opinion related to instructional materials based on the following criteria:
- (A) Instructional materials should present the most current factual information accurately and objectively without editorial opinion or bias by the authors. Theories should be clearly distinguished from fact and presented in an objective educational manner.
 - (B) Instructional materials should promote citizenship, patriotism, understanding of the essentials and benefits of the free enterprise system, respect for recognized authority, and respect for individual rights. The materials should not include selections or works that encourage or condone civil disorder, social strife, or disregard of the law. Violence, if it appears, should be treated in the context of its cause and consequence. It should not appear for reasons of unwholesome excitement or sensationalism.
 - (i) Instructional materials should present positive aspects of the United States and its heritage.
 - (ii) When significant political or social movements in history generate no clear consensus, instructional materials should present balanced and factual treatment of the positions.
 - (iii) Free enterprise means an economic system characterized by private or corporate ownership of capital goods; investments that are determined by private decision rather than by state control; and prices, production, and the distribution of goods that are determined in a free market.
 - (C) Instructional materials should not include blatantly offensive language or illustrations.
 - (D) Instructional materials should treat divergent groups fairly without stereotyping and reflect the positive contributions of all individuals and groups to the American way of life. Illustrations and written materials should avoid bias toward any particular group or individual and present a wide range of goal choices. Particular care should be taken in the treatment of ethnic groups, issues related to the aging and aged, roles of men and women, the dignity of workers, and respect for the work ethic.
 - (i) Instructional materials should not encourage life-styles deviating from generally accepted standards of society.
 - (ii) Instructional materials should provide an objective view of cultural confluence and include information needed to develop mutual understanding and respect among all elements of our population. Materials should reflect an awareness that culture and language variation does exist and can be used to promote successful learning.
 - (iii) Instructional materials should present examples of men and women participating in a variety of roles and activities and also shall present

the economic, political, social, and cultural contributions of men and women, past and present.

- (iv) Instructional materials that treat aspects of the world of work should reflect the positive contributions of all types of careers to the American economic system and way of life. People presented should reflect varieties of work and be treated without bias toward particular kinds of work.
 - (v) Instructional materials should present traditional and contemporary roles of men, women, boys, and girls.
 - (vi) Instructional materials should present balanced treatment of issues related to aging and the aged.
- (5) A representative of the publisher of the specific instructional material shall be given the opportunity to address the board prior to action by the board on such a resolution.
- (6) A copy of any resolution passed by the board expressing an opinion related to specific instructional material shall be provided to the board president and superintendent of each school district in Texas.

§2.10. Oral Public Testimony in Connection with Regular Board and Committee Meetings.

- (a) General Provisions.
- (1) The board shall provide opportunity for oral public testimony at regular committee meetings, special meetings, and at regularly scheduled meetings of the State Board of Education.
 - (2) Work session and ad hoc committee meetings are exempt from this requirement.
 - (3) The presiding chair shall take appropriate action to avoid unduly repetitious testimony.
 - (4) The presiding chair shall assure that members of the public with differing viewpoints have reasonable access to address the board and take steps to ensure that individuals will be given priority over registered lobbyists.
 - (5) The presiding chair shall determine which speakers will be heard and the order in which they will be heard if the number exceeds that number which may reasonably be expected to testify in the allotted time for presentations. The presiding chair shall also determine whether speakers who did not register or who registered late will be heard and whether persons asking to testify as a substitute for a registered speaker may do so.
 - (6) The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.

(b) Registration Procedures.

(1) Individuals may register between the hours of 8 a.m. on the Friday preceding the board meeting and 5 p.m. (Central Time) on the Monday preceding the board meeting on the agency website at <https://tea.texas.gov/PublicTestimonySBOE/>, or by facsimile at (512) 936-4319, 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 commissioner of education may update the agency liaison divisions as necessary based upon the agency's organizational structure.]~~

(2) ~~[(3)]~~ 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) ~~[(4)]~~ A person may register himself or herself, and one other person. Organizations may not register more than two persons per item.

(4) ~~[(5)]~~ Those registering online will receive an email confirming the registration during the next business day.

(5) ~~[(6)]~~ Registrations will be listed based upon registration date and time or alternating points of view in order of registration date and time.

(6) ~~[(7)]~~ Late registration will be accepted until 30 minutes before the scheduled start of a meeting, however late registrants are not guaranteed an opportunity to testify due to time constraints.

(7) ~~[(8)]~~ Speakers will be informed if it appears that time constraints will not permit all speakers to make their presentation within the allotted time.

(8) ~~[(9)]~~ All speakers shall provide thirty-five (35) collated or stapled copies of their testimony. Registered speakers who are unable to make their presentations due to time constraints are encouraged to provide thirty-five (35) copies of their testimony for distribution to board members and agency executive staff. Written testimony will not be attached to committee minutes.

(c) Oral Public Testimony to Committees.

(1) Oral public testimony to committees is limited to the topics posted for action or discussion on committee agendas at that specific committee meeting.

(2) Three (3) minute time limits on individual oral testimony will be imposed unless modified by the presiding chair.

(3) The presiding chair shall designate whether oral public testimony shall be taken at the beginning of the meeting or at the time the related item is taken up by the committee after staff has presented the item.

- (4) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The committee, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.
- (d) Oral Public Testimony to the General Meeting of the Board.
 - (1) Oral public testimony at general meetings of the State Board of Education is limited to topics that are *not* posted for action or discussion at the corresponding regular committee meetings or information published in the information section [~~(yellow pages)~~] of the agenda.
 - (2) Thirty (30) minutes shall be allotted for oral public testimony, excluding the questions and answers, at the beginning of each board meeting, unless modified by a majority vote of the board. Three (3) 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, thirty-five (35) collated or stapled copies shall be provided for distribution to board members and agency executive staff. Written testimony will not be attached to the board minutes.
- (c) Persons who were unable to attend or to testify at a committee or board meeting due to time constraints may provide thirty-five (35) collated or stapled copies of their testimony to agency staff for distribution to board members and agency executive staff.

§2.12. Public Hearings.

- (a) Types of Public Hearings.
 - (1) Hearings regarding proposed board rules. The board shall conduct a public hearing on a substantive rule if a hearing is requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members. Testimony is restricted to comments regarding the proposed action. The hearing

must be set to take place before any action is adopted. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules.

- (2) Other types of hearings. The board may also hold public hearings on proposed actions, such as those relating to 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.
- (b) Speakers shall preregister in accordance with the procedures set out in §2.10(b). ~~[established by the agency office responsible for the subject matter.]~~
 - (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 three 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 shall bring thirty-five (35) collated or stapled copies of their testimony for distribution to board members and agency executive staff.
 - (e) Persons who were unable to testify at a public hearing due to time constraints may provide thirty-five (35) collated or stapled copies 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. ~~Written~~ Public Comments Regarding Proposed Rulemaking.

All interested persons have a reasonable opportunity to submit data, views and arguments ~~[to the board in writing,]~~ prior to the board adoption of any rule. Public ~~Written public~~ comments regarding proposed board rules may be submitted ~~[filed with the board]~~ as provided in the notice of proposed rulemaking published ~~[contained]~~ in the *Texas Register*. The deadline for submitting public comments is 5:00 p.m. on Friday the week prior to the start of the board meeting. The board will also take registered oral and written comments on proposed rulemaking at the appropriate committee meeting.

CHAPTER 3. TRAVEL AND EXPENSES

The statutory citations for this chapter are the Texas Education Code, §7.105, Texas Government Code, Chapter 660, and the General Appropriations Act.

§3.1. Reimbursement of Expenses.

- (a) Members of the State Board of Education receive no salary but are reimbursed for all expenses incurred for attending regular and special meetings of the board and of board committees.
- (b) All reimbursements for expenditures shall be in accordance with Texas Education Code, §7.105(b), Texas Government Code, Chapter 660, the General Appropriations Act, and these rules.
- (c) Only expenses of board members may be reimbursed. Expenses for spouses, family, or other persons traveling with board members are not reimbursable.
- (d) Board members must submit receipts for the following expenses:
 - (1) public transportation (excluding receipts for bus, taxi, 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) telephone calls;]~~
 - (1[2]) parking fees (including personal vehicles);
 - (2[3]) notary fees for official documents; and
 - ~~[(4) fax fees; and]~~
 - (3[5]) 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 Division of State Board of Education Support staff member [~~The senior executive assistant to the board~~] or his/her designee will make guaranteed hotel reservations for each board member upon request.
- (c) Any change in or cancellation of reservations shall be the responsibility of the individual board member in whose name the reservations were made. Board members who wish to change or cancel their reservations must contact the hotel directly or call the State Board of Education support office. All bills received by the agency for unused or uncanceled reservations will be forwarded for payment to the board member in whose name the reservations were made.

§3.3. Acceptance of Gifts and/or Grants for Charter School Evaluation.

- (a) Purpose. The State Board of Education (SBOE) may accept a gift and/or grant for the limited purpose of expenses associated with evaluating an applicant for an open-enrollment charter school.
 - (1) An entity making a gift and/or grant under this section may not:
 - (A) limit the use of the funds to any individual applicant, cycle or class of applicants;
 - (B) be a charter operator in this or any other state, a management company, service provider or vendor of any kind to charter schools in this or any other state;
 - (C) have common board members or corporate members with any entity operating a charter in Texas or applying to operate a charter in Texas;
 - (D) be an individual required to register as a lobbyist under Chapter 305, Government Code; or
 - (E) be an employee, attorney, contractor or other agent of any kind to charter schools in this or any other state.
 - (2) An entity making a gift and/or grant under this section may not do so if the source of funds used for the gift and/or grant were received from an entity that could not make a gift and/or grant under this section.
 - (3) For purposes of this section, a spouse or dependent child of an individual prohibited from making a gift and/or grant is also prohibited.
 - (4) For purposes of this section, an entity includes any legal entity such as corporations, individuals and other business associations. An individual is limited to a natural person.

- (5) An entity making a gift and/or grant shall certify that it has complied with all requirements of this section in a format approved by the board chair.
- (b) Procedure. The SBOE may accept a gift and/or grant under this section only by an affirmative vote of the board.
- (1) A charter may not be evaluated using funds under this section unless the commissioner has:
 - (A) proposed to award a charter to that applicant pursuant to Section 12.101(b); or
 - (B) requested the participation of individual board members in the agency's preliminary evaluation of an applicant.
 - (2) The commissioner shall receive, disburse and account for funds accepted by the board.
 - (3) Funds accepted under this section may be used solely to pay reasonable travel expenses, including meals and accommodations, for SBOE members and TEA staff as necessary to evaluate applicants for open-enrollment under this section. Unless approved by the board chair and the commissioner, travel expenses are limited to those available for travel by SBOE members or state employees.
 - (4) In making decisions under this section, the board chair will consult with the board member acting as a liaison under Section 12.101(b). The board chair will also consult with the chair of the Committee on School Initiatives, unless doing so would create a quorum of a committee of the board. A decision by the board chair under this section is final.
 - (5) Board members evaluating a charter applicant under this section shall be selected by the board chair. The board chair will, to the extent possible, give preference to board members whose districts include proposed locations at which the charter would operate. Under no circumstances will a quorum of the board or a committee of the board participate in an evaluation under this section.
 - (6) The board chair may request that relevant TEA employees accompany board members in evaluating charter applicants under this section. The commissioner must approve participation of agency employees.
 - (7) Except as provided by this subsection, board members and TEA staff may not accept anything of value from an applicant and shall limit contact with the applicant and its employees and representatives to the actual investigation of the charter. The board chair may authorize acceptance of reasonable local transportation and meals from the applicant as necessary to facilitate the evaluation.
 - (8) In addition to board members and TEA staff, the board chair may authorize other professionals to participate in an evaluation under this section. Such a professional may not be an individual or entity unable to donate funds under subsection (a) and is subject to all conditions and limits imposed by this section on board members.

- (c) Evaluation. Each board member will individually report to the Committee on School Initiatives regarding his/her evaluation of a proposed charter prior to consideration of the charter by the board under Section 7.102(c)(9) [~~12.101(b-0)~~]. The Committee on School Initiatives will develop a standard form for use by board members in evaluating a charter under this section.
- (d) Reporting. Expenses reimbursed for each board member, TEA staff or other professionals shall be made publicly available and reported as appropriate on a board member's personal financial statement.

CHAPTER 4. CONDUCT AND PUBLIC RELATIONS

The statutory citations for this chapter are the Texas Education Code, §7.108; the Texas Government Code, §305.006, and Chapter 572, Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest; and the Texas Election Code, Chapter 251, General Provisions.

§4.1. Standards of Conduct and Conflicts of Interest.

- (a) Personal interest in board actions. Whenever a board member has a financial interest in any matter to be voted upon by the board, such a member shall state at an open meeting that he or she has such an interest in the matter and shall abstain from voting and discussion concerning the matter.
- (b) The Permanent School Fund ethics policy governs the conduct of State Board of Education members with respect to the investment and management of the Permanent School Fund.

§4.2. Press and Public Relations.

- (a) Prior to each State Board of Education meeting, the agenda shall be made available by agency staff to the capitol press corps; governor's office; Legislative Budget Board; Legislative Reference Library; School Land Board, Texas Higher Education Coordinating Board; regional education service centers; and state offices of professional education organizations which have requested the agenda.
- (b) A press table shall be provided at meetings of the State Board of Education and press representatives shall be supplied with copies of the official agenda for the meeting and other materials relating to specific agenda items.
- (c) The State Board of Education shall seek to maintain open relations with the press by answering reporters' questions frankly and by providing official statements through press releases and answers to follow-up inquiries.

§4.3. Disclosure of Campaign Contributions and Gifts.

- (a) Any person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose whether, at any time in the preceding four years, the person, corporation, or other legal entity has made a campaign contribution to a candidate for or member of the State Board of Education. Disclosure shall be made in writing to the commissioner of education 14 calendar days prior to consideration by the board or any committee of a contract, grant, or charter.

- (b) A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose in the same manner any benefit conferred on a candidate for or member of the State Board of Education during the preceding four years. A benefit need not be disclosed if the aggregate value of benefits conferred on a candidate for or a member of the State Board of Education during the preceding four years does not exceed \$250, or a different limit set by §572.023(b)(7), Texas Government Code. This requirement applies whether or not the person, corporation, or other legal entity is required to report the expenditure to the Texas Ethics Commission. For purposes of this section, a benefit is not conferred if the candidate for or a member of the State Board of Education has paid for the member's own participation, as well as any participation by other persons for the direct benefit of any business in which the member has a substantial interest as defined under Texas Government Code §572.005 (1) - (7).
- (c) In this section:
- (1) "person, corporation, or other legal entity" includes:
 - (A) any individual who would have a "substantial interest" in the person, corporation, or other legal entity as that term is defined in Texas Government Code, §572.005 (1) - (6);
 - (B) an attorney, representative, registered lobbyist, employee, or other agent who receives payment for representing the interests of the person, firm, or corporation before the board or to board members, or whose duties are directly related to the contract, grant, or charter; or
 - (C) an individual related within the first degree by affinity or consanguinity, as determined under Chapter 573, Government Code, to the person covered by (c)(1).
 - (2) "contract, grant, or charter" means any application to enter into a contractual relationship with or otherwise receive funding from the State Board of Education, including without limitation contracts for investment advisors, consultants, or investment managers for the Permanent School Fund and applicants for charters to operate open enrollment charter schools.
 - (3) "campaign contribution" has the meaning defined in Texas Election Code, §251.001.
 - (4) "benefit" has the meaning defined in Texas Penal Code, §36.01.
 - (5) "candidate for or a member of the State Board of Education" includes a person related within the first degree of affinity or consanguinity, as determined under Chapter 573, Government Code, to a candidate for or a member of the State Board of Education.
- (d) A person, corporation, or other legal entity has a continuing duty to report contributions or expenditures made through the term of a contract, grant, or charter and shall within 21 calendar days notify the commissioner of education and the board chair upon making a contribution or expenditure covered by this section.

- (e) Failure to disclose a contribution or expenditure under this section shall be grounds for canceling or revoking the contract, grant, or charter in the discretion of the board. Only those contributions or expenditures made after the effective date of this rule are required to be disclosed.
- (f) This section does not affect the validity of contracts, grants, or charters existing on its effective date but does apply to the renewal or extension of any contract, grant, or charter.
- (g) Before distributing bids or applications for a contract with the board, staff will provide any disclosure made under subsection (a) or (b) to a board member to whom the disclosure applies. A board member shall have 10 calendar days to provide a written statement relating to the disclosure for distribution along with all disclosures.
- (h) An SBOE member shall on April 15 of each year submit a list of businesses that the SBOE member has a substantial interest in as defined in Texas Government Code §572.005 (1) - (7) and all DBAs or assumed names of any such businesses. If any change occurs in the identities of businesses that an SBOE member has a substantial interest in, the SBOE member shall submit an amendment within 30 calendar days of the date of such change. A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter that may be granted by the State Board of Education shall be provided the combined list of all board members and shall disclose any campaign contribution or benefit under subsections (a) or (b) on behalf of any business in which an SBOE member has a substantial interest.

CHAPTER 5. RULES AND THE RULEMAKING PROCESS

The statutory citation for this chapter is the Texas Government Code, Chapter 2001, Subchapter B; Texas Government Code, Chapter 2002, Subchapter B; Texas Education Code, §7.102(e)-(f).

§5.1. State Board of Education Rules.

- (a) An action of the board to adopt a rule under the Texas Education Code is effective only if the rule's preamble published in the *Texas Register* includes a statement of the specified statutory authority contained in the Texas Education Code to adopt the rule.
- (b) Rules submitted to the Office of the Secretary of State for publication in the *Texas Register* shall conform to requirements promulgated by the Secretary of State.

§5.2. Adoption, Amendment, and Repeal of State Board of Education Rules.

- (a) Proposed new rules, amendments, and repeals must appear on the agenda for discussion at one board meeting and for action at two subsequent board meetings as First Reading and Second Reading, unless a departure from this rulemaking process is approved by the board.
- (b) Each member of the board shall receive copies of the preliminary and official board meeting agendas containing all proposed new rules, amendments, or repeals to be considered.
- (c) The board can take action only if the rule is posted for action in the official notice of the meeting that is published in the *Texas Register*. The commissioner is authorized to file information with the Secretary of State to comply with the requirements of Texas Government Code, Chapter 2001, Subchapter B; and Texas Government Code, Chapter 2002, Subchapter B, regarding adoption of rules.
 - (1) **First Reading and Filing Authorization.** The board can authorize the commissioner to file a proposed new rule, amendment, or repeal with the Secretary of State for publication in the *Texas Register* as it appears in the agenda or with changes to the material presented in the agenda.
 - (2) **Second Reading and Final Adoption.** If the [~~mandatory 30-day~~] public comment period after filing the proposal with the Secretary of State has elapsed, the board can adopt a new rule, amendment, or repeal. If a board committee determines that a substantial revision of the material presented in the agenda shall be considered, the board shall not take final action before the next board meeting.
 - (3) **Withdrawal.** The board can authorize the commissioner to withdraw a proposed new rule, amendment, or repeal that was previously filed with the Secretary of State.
 - (4) **Refiling.** The board can authorize the commissioner to withdraw and refile a proposed new rule or amendment that was previously filed with the Secretary of State if there are substantive changes from the original filing.

- (d) The board can authorize the commissioner to conduct a public hearing on behalf of the State Board of Education concerning board rules. The public hearing shall be transcribed and the transcript made available for review by board members.
- (e) Except as otherwise provided by law, a rule does not take effect until the beginning of the school year that begins at least 90 days after the date of the rule adoption.
- (f) A rule may take effect earlier than the date set forth in subsection (e) if the rule's preamble specified an earlier date with the reason for the earlier date and:
 - (1) the earlier effective date is a requirement of:
 - (A) a federal law, or
 - (B) a state law that specifically refers to Texas Education Code, §7.102, and expressly requires the adoption of an earlier effective date; or
 - (2) on an affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

§5.3. Emergency Rules.

The board may adopt emergency rules without prior notice or hearing. Conditions under which emergency rules can be adopted and the periods for which they are effective are governed by Texas Government Code, §2001.034. The board shall also comply with the requirements of Section 5.2(f) of these rules and the notice of emergency meeting requirements in Texas Government Code, §551.045. Emergency rules will be placed on a board agenda for adoption as a permanent rule.

§5.4. Filing Non-Substantive Rule Corrections with the Secretary of State.

The commissioner may approve and file with the Secretary of State non-substantive corrections to State Board of Education rules. Non-substantive rule corrections may only include typographical, grammatical, referencing, or spelling errors and technical edits to comply with *Texas Register* style and format requirements.

§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. [~~on 5 p.m. or two hours following the adjournment of the Committee of the Full Board, whichever is later, on the day prior to the amendment being considered by the board in accordance with rules adopted by the board relating to the TEKS adoption process.~~] All amendments shall be made available to the public to the extent possible. This rule may be suspended by a two-thirds vote.

CHAPTER 6. ADVISORY GROUPS

The statutory citations for this chapter are the Texas Education Code, §§7.102(b), 29.254, 32.034, and 61.077.

§6.1. General Provisions.

~~[(a) The State Board of Education may appoint advisory committees where specific authority is granted in statute.~~

~~(1) The State Board of Education may establish an adult education advisory committee composed of not more than 21 members representing public and private education, business, labor, minority groups, and the public to advise the board on needs, priorities, and standards of adult education programs conducted in accordance with the Texas Education Code, Chapter 29, Subchapter H, Adult and Community Education Programs.]~~

(a) ~~[(b)]~~ The State Board of Education may establish a Committee of Investment Advisors (CIA) to the Permanent School Fund and approve all selected appointments. The CIA shall be composed of not more than 15 members, one appointed by each State Board of Education member, who each have considerable institutional investment expertise and are free from conflicts of interest. The CIA member will closely advise the individual State Board of Education member who appointed the member on all matters relative to the management of the Permanent School Fund as necessary. The CIA may meet in person or via conference call or telephone conference as needed. Duties and responsibilities of the CIA are within the *Texas Permanent School Fund - Investment Procedures Manual*, Section A.2.

(b) ~~[(e)]~~ If the board does not establish a CIA, nothing shall prevent a board member from selecting and working with an investment advisor in a manner consistent with federal and state laws and the Investment Procedures Manual.

~~RESOLUTION~~

As specified in the operating rules of the State Board of Education, “the board may from time to time define by resolution the areas of oversight of each committee as may be necessary.” This resolution specifies the areas of oversight for each board committee currently delineated in the board's operating rules.

~~Committee of the Full Board~~

- ~~1. Public testimony~~
- ~~2. Establishment of essential knowledge and skills (TEKS)~~
- ~~3. Adopt instructional materials~~

~~Committee on Instruction~~

- ~~1. Establishment of curriculum and graduation requirements~~
- ~~2. Curriculum implementation (including procedures concerning dyslexia and related disorders)~~
- ~~3. Instructional materials proclamations~~
- ~~4. Student assessment program implementation~~
- ~~5. General education~~
- ~~6. Education of individuals with disabilities~~
- ~~7. Gifted and talented education~~
- ~~8. Adult education~~
- ~~9. Library standards~~
- ~~10. Texas School for the Blind and Visually Handicapped/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. Review commissioner's annual FSP budget~~
- ~~6. Community education funding~~
- ~~7. Permanent School Fund management oversight, including audit responsibility, investment objectives, and investment decisions~~

~~Committee on School Initiatives~~

- ~~1. Long range plans required by statute~~
- ~~2. Educational technology and telecommunications~~
- ~~3. Review and evaluation of charter school applications the commissioner of education proposes to grant~~
- ~~4. State Board for Educator Certification rules review~~
- ~~5. School board member training policy~~
- ~~6. Hearing examiners~~
- ~~7. Military reservation and special school districts~~
- ~~8. Extracurricular activities~~
- ~~9. Home rule school district probation and revocation]~~

Minutes

State Board of Education

February 1, 2019

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

DONNA BAHORICH, Houston
Chair of the State Board of Education
District 6

MARTY ROWLEY, Amarillo
Vice Chair of the State Board of
Education
District 15

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

Board Members

LAWRENCE ALLEN, JR., Houston
District 4

PAM LITTLE, Fairview
District 12

BARBARA CARGILL, Conroe
District 8

TOM MAYNARD, Florence
District 10

RUBEN CORTEZ, JR., Brownsville
District 2

SUE MELTON-MALONE, Robinson
District 14

AICHA DAVIS, Dallas
District 13

KEN MERCER, San Antonio
District 5

KEVEN ELLIS, Lufkin
District 9

MARISA PEREZ-DIAZ, Converse
District 3

PATRICIA HARDY
District 11

MATT ROBINSON, Friendswood
District 7

Committees of the State Board of Education

INSTRUCTION

Sue Melton-Malone, Chair
Pam Little, Vice-Chair
Aicha Davis
Georgina C. Pérez
Marty Rowley

SCHOOL FINANCE/PERMANENT SCHOOL FUND

Tom Maynard, Chair
Lawrence A. Allen, Jr., Vice-Chair
Donna Bahorich
Patricia Hardy
Ken Mercer

SCHOOL INITIATIVES

Barbara Cargill, Chair
Marisa B. Perez-Diaz, Vice Chair
Ruben Cortez, Jr.
Keven Ellis
Matt Robinson

Minutes
State Board of Education
February 1, 2019

The State Board of Education met at 9:06 a.m. on Friday, February 1, 2019, 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: Donna Bahorich, chair; Lawrence A. Allen, Jr.; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Keven Ellis; Pat Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez, secretary; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley, vice chair

Student Performance

The student performance was provided by the Azle Jazz Orchestra of Azle High School in the Azle Independent School District.

Invocation

Pledge of Allegiance

Roll Call

Approval of Minutes

State Board of Education, November 16, 2018

MOTION AND VOTE: *The State Board of Education unanimously approved the Minutes of the November 16, 2018 meeting of the State Board of Education, as printed.*

1. Resolutions and Presentations

Employers for Education Excellence Award

The State Board of Education, by unanimous consent, adopted a resolution honoring BLGY Architecture as the recipient of the gold Employers for Education Excellence award.

(ATTACHMENT 1, page #9)

Presidential Awards for Excellence in Mathematics and Science Teaching

The State Board of Education, by unanimous consent, adopted a resolution honoring state and national finalists for the 2018 Presidential Awards for Excellence in Mathematics and Science Teaching program.

(ATTACHMENT 2, page #11)

Permanent School Funds (PSF) Logo Contest Winners

The State Board of Education, by unanimous consent, adopted a resolution honoring the winner and runner up of the PSF Logo contest.

(ATTACHMENT 3, page #13)

PSF Logo Contest

The State Board of Education, by unanimous consent, adopted a resolution thanking professional graphic artists for their services during the PSF logo contest.

(ATTACHMENT 4, page #15)

Career and Technical Education Month

The State Board of Education, by unanimous consent, adopted a resolution proclaiming February 1-28, 2019 as Career and Technical Education Month in Texas.

(ATTACHMENT 5, page #17)

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) **Procedural Action Related to New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.50 Ethnic Studies: Mexican American Studies (One Credit) (First Reading and Filing Authorization)**

(Board agenda page I-27)
(Committee of the Full Board)

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 proposed new 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies,

Subchapter C, High School, §113.50, Ethnic Studies: Mexican American Studies (One Credit), as approved by the SBOE in September 2018, with an effective date of July 1, 2019, as recommended by the Committee of the Full Board.

(2) **Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of October and November 2018.**

(Board agenda page III-7)

(Committee on School Finance/Permanent School Fund)

The State Board of Education ratified the purchases and sales for the months of October and November 2018, in the amount of \$869,799,322 and \$874,849,738 respectively, as recommended by the Committee on School Finance/Permanent School Fund.

(3) **Proposed Amendments to the Investment Procedures Manual**

(Board agenda page III-15)

(Committee on School Finance/Permanent School Fund)

The State Board of Education approved amendments to the Investment Procedures Manual, as recommended by the Committee on School Finance/Permanent School Fund.

(4) **Decision on Real Estate Investments**

(Board agenda page III-16)

(Committee on School Finance/Permanent School Fund)

The State Board of Education approved execution of agreement(s) with Blackstone Real Estate Advisors IX L.P., necessary to make an investment commitment of up to \$75 million in Blackstone Real Estate Partners IX L.P.; KKR Associates RE Asia SCSp necessary to make an investment commitment of up to \$75 million in KKR Asia Real Estate Partners SCSp; PAG Special Situations GP III Limited. necessary to make an investment commitment of up to \$75 million in PAG Special Situations Fund III L.P.; and Rockpoint Real Estate Fund VI GP, L.L.C. necessary to make an investment commitment of up to \$75 million in Rockpoint Real Estate Fund VI, L.P., subject to continued due diligence and negotiation of fund terms, and authorization for contract execution by the Commissioner of Education, as recommended by the Committee on School Finance/Permanent School Fund.

(5) **Recommendation for Appointment to the Randolph Field Independent School District Board of Trustees**

(Board agenda page IV-4)

(Committee on School Initiatives)

The State Board of Education approved the reappointment of Lieutenant Colonel Peter Duffy to serve a term of office from February 1, 2019, through February 1, 2021, on the Randolph Field Independent School District Board of Trustees.

(ATTACHMENT 6, page #19)

COMMITTEE OF THE FULL BOARD

3. **Consideration of Petition for Amendment of Rule Concerning 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program**
(Board agenda page I-2)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education deny the petition to amend 19 TAC §74.12, Foundation High School Program, concerning fine arts courses eligible for graduation requirements because Debate I, II, and III; Oral Interpretation I, II, and III; and Public Speaking I, II, and III are not aligned with knowledge and skills in fine arts courses, as recommended by the Committee of the Full Board.*

(Mr. Allen was absent for the vote.)

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

MOTION: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education approve for first reading and filing authorization proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements, as amended and recommended by the Committee of the Full Board.*

5. **Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.51, Principles of Cybersecurity (One Credit), and §126.52, Cybersecurity (One Credit)**
(First Reading and Filing Authorization)
(Board agenda page I-17)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.51, Foundations of Cybersecurity (One Credit), and §126.52, Cybersecurity Capstone (One Credit).*

6. **Action on Renewal of Texas Certificate of High School Equivalency Contracts**
(Board agenda page I-21)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried that the State Board of Education approve the contract renewal for GED Testing Service and the amended contract renewal for Educational Testing Service.*

Public Testimony

The State Board of Education received presentations of public testimony, as follows:

NAME: Jeanette LaFevers
AFFILIATION: International Baccalaureate (IB) Organization
TOPIC: Fine Arts IB courses

NAME: Margaret Davis
AFFILIATION: Texas IB Schools
TOPIC: Fine Arts IB courses

NAME: Ian Wright
AFFILIATION: TPS Publishing, Inc
TOPIC: *Proclamation 2019*

NAME: Maz Wright
AFFILIATION: TPS Publishing, Inc.
TOPIC: *Proclamation 2019*

COMMITTEE ON INSTRUCTION

7. **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-2)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education, by an affirmative vote of two-thirds of the members of the board, 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, with an effective date of 20 days after filing as adopted with the Texas Register.*

8. **Proposed New 19 TAC Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, Adopted 2013, §117.327, International Baccalaureate (IB) Film Standard Level (SL) (Two Credits), and §117.328, International Baccalaureate (IB) Film Higher Level (HL) (Two Credits)**
(Second Reading and Final Adoption)
(Board agenda page II-7)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, Adopted 2013, §117.327, International Baccalaureate (IB) Film Standard Level (SL) (Two Credits), and §117.328, International Baccalaureate (IB) Film Higher Level (HL) (Two Credits), as recommended by the Committee on Instruction.*

(Mr. Allen and Mr. Cortez were absent for the vote.)

9. **Proposed Approval of Innovative Courses**
(Board agenda page II-12)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve the innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum as follows: a one-year extension for AVID I-IV and a three-year renewal for Navigating Life with Hearing Loss.*

COMMITTEE ON SCHOOL INITIATIVES

10. **Review of Proposed Amendment to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.4, Determination of Accreditation Status**
(Board agenda page IV-25)

In accordance with TEC, §21.042, the State Board of Education took no action on proposed amendment to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.4, Determination of Accreditation Status.

11. **Review of Proposed Revisions to 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter A, General Provisions, and Subchapter D, Secondary School Certificate Standards**
(Board agenda page IV-34)

In accordance with TEC, §21.042, the State Board of Education took no action on the proposed Revisions to 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter A, General Provisions, and Subchapter D, Secondary School Certificate Standards.

REGARDING AGENDA ITEMS POSTED FOR DISCUSSION ON COMMITTEE AGENDAS

Committee on Instruction

Mrs. Melton-Malone did not report on the Committee on Instruction.

Committee on School Finance/Permanent School Fund

Mr. Maynard reported that two rule items of significance were discussed by the committee. The committee discussed the four-year rule review related to the Student Attendance Accounting Handbook and the Financial Accountability System Resource Guide. He reported that the board has made a commitment for new real estate investments. Mr. Maynard also reported that the committee engaged in an in-depth discussion on risk parity.

Committee on School Initiatives

Mrs. Cargill reported on updates provided by staff related the charter school Generation 24 application and the Generation 25 draft application.

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

Mrs. Bahorich gave board members an opportunity to provide information regarding agenda items or other relevant information about public education.

The meeting adjourned at 11:05 a.m.

Georgina C. Pérez., Secretary

RESOLUTION

WHEREAS parents and employers play a key role in supporting public schools; and

WHEREAS mentoring children can have a lifelong impact on students' lives; and

WHEREAS the Texas Legislature recognized this important school-parent-business partnership when it created the Employers for Education Excellence award in 2007; and

WHEREAS BLGY Architecture of Austin met and exceeded the requirements to be recognized at the highest level for this award; and

WHEREAS about 30 percent of the firm's employees participate in mentoring and other school-related volunteer activities in the Round Rock and Austin school districts and works with the Austin Community College; and

WHEREAS the firm has developed workshops that teach students about topics such as collaboration, punctuality, and respect; and

WHEREAS BLGY participated in a ground-breaking pilot project that taught students green building principles; and

WHEREAS the firm has hosted networking opportunities for students and offered externships for teachers; now, therefore, be it

RESOLVED that the State Board of Education urges Texas businesses to look upon BLGY Architecture and its president Benny Hawkins as role models for civic engagement; and be it further

RESOLVED that the State Board of Education today awards BLGY Architecture the gold Employers for Education Excellence award for its generous and continuing support of Central Texas students and teachers.

WITNESS our signatures this first day of February, two thousand and nineteen, in Austin, Texas.

Donna Bahorich, chair

Georgina C. Pérez, Secretary

This page has been intentionally left blank.

RESOLUTION

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, three 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 Ellaree Lehman, R.E. Good Elementary IB World School, Carrollton-Farmers Branch Independent School District, Carrollton, Texas; Angelica Niño, De Zavala Elementary School, San Antonio Independent School District, San Antonio, Texas; Kirsta Paulus, Genoa Elementary School, Pasadena, Independent School District, Houston, Texas; for being named State Finalists in the mathematics category for the 2018 Presidential Award; and be it further

RESOLVED, That the State Board of Education does hereby extend its congratulations to Allison Bearden, Oakcrest Intermediate School, Tomball Independent School District, Cypress, Texas; Celene Rosen, Barksdale, Elementary School, Plano Independent School District, Plano, Texas; Brenda Williams, Argyle Intermediate School, Argyle Independent School District, Argyle, Texas; for being named State Finalists in the science category for the 2018 Presidential Award; and be it further

RESOLVED, That this resolution be presented to the aforementioned teachers for being identified as state and national finalists for the 2018 *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 first day of February, two thousand and nineteen, in Austin, Texas.

Donna Bahorich, Chair

Georgina C. Pérez, Secretary

This page has been intentionally left blank.

RESOLUTION

WHEREAS the Permanent School Fund’s origins and story is one interwoven into the rich Texas history, replete with Texans who fiercely believed in the vital importance of public education, beginning with those who declared their devotion in the 1836 Texas Declaration of Independence and in 1845 further demonstrated this commitment in 1845, establishing in the state’s first constitution, a perpetual fund for the support of free public schools; and

WHEREAS Texans further proved their allegiance to public free schools through support of the fund, by committing \$2 million in U.S. bonds from the Compromise of 1850 in 1854, half of the state’s 88-million-acre public domain in 1873 and the mineral estate of Texas’ submerged lands in 1939; and

WHEREAS Texans successfully staved off attempts to seize and divert the Fund’s legacy to future generations in political battles and litigation at the highest levels of the United States government; and

WHEREAS the Permanent School Fund has, since 1855, made distributions to Texas schools and has for generations provided for free textbooks and now support for school district technology; and

WHEREAS, since 1983, the Permanent School Fund has made possible for local schools, capital facility additions and improvements by the guaranteeing of local bonds; and

WHEREAS through prudent stewardship, the Permanent School Fund has prospered and become the nation’s largest educational endowment; and

WHEREAS given the fund’s unique history and vital importance in the state’s school finance system, the State Board of Education deemed it most appropriate for the Permanent School Fund to have its own distinct brand identity; and

WHEREAS the State Board of Education looked to the state’s students to create suitable artwork to represent the Fund and initiated the “Brand the Fund” student art competition; and

WHEREAS 442 students representing independent school districts and charter schools from across the Lone Star State submitted 521 unique entries; and

WHEREAS a judging panel comprised of professional graphic artists and representatives of the State Board of Education, Permanent School Fund, and Texas Education Agency carefully considered the merits of each entry and selected ten finalists from the field of entries; and

WHEREAS the State Board of Education selected artwork submitted by Melissa Richardson, a sophomore student at Dripping Springs High School in Dripping Springs Independent School District as the winning entry and the artwork submitted by Spandana Kamepalli, a junior student at Vandegrift High School in Leander ISD as the contest’s runner-up; now, therefore, be it

RESOLVED, That the State Board of Education congratulates Melissa Richardson of Dripping Springs High School as the winner of the “Brand the Fund” Student Art Competition and recognizes her art instructor, Mr. Jay Bates; and be it further

RESOLVED, That the State Board of Education congratulates Spandana Kamepalli of Vandegrift High School as the runner-up of the “Brand the Fund” Student Art Competition and recognizes her art instructor Lori Quick; and be it further

RESOLVED, That the State Board of Education also recognizes Ben Meyer of Austin ISD; Hagen Carter of Stephenville ISD; Kathryn Kelly and Ashleigh Jamison of Round Rock ISD; Maite Gordo and Natalie Tieu of Cypress-Fairbanks ISD; and Arthur Mangum and Aaron Ballif of Conroe ISD whose logos were among the ten finalists in the “Brand the Fund” contest; and be it further

RESOLVED, That the State Board of Education congratulates all contest entrants for their creative abilities and offers to all teachers, administrators and professional associations sincerest thanks for helping to promote the contest and facilitate student participation; and be it further

RESOLVED, That the board authorizes Texas Education Agency staff to immediately begin using Melissa Richardson’s winning logo on Permanent School Fund branded material.

WITNESS our signatures this first day of February, two thousand and nineteen, in Austin, Texas.

Donna Bahorich, Chair

Georgina C. Pérez, Secretary

This page has been intentionally left blank.

R E S O L U T I O N

WHEREAS the Permanent School Fund’s origins and story is one interwoven into the rich Texas history, replete with Texans who fiercely believed in the vital importance of public education, beginning with those who declared their devotion in the 1836 Texas Declaration of Independence and in 1845 further demonstrated this commitment in 1845, establishing in the state’s first constitution, a perpetual fund for the support of free public schools; and

WHEREAS Texans further proved their allegiance to public free schools through support of the fund, by committing \$2 million in U.S. bonds from the Compromise of 1850 in 1854, half of the state’s 88-million-acre public domain in 1873 and the mineral estate of Texas’ submerged lands in 1939; and

WHEREAS Texans successfully staved off attempts to seize and divert the Fund’s legacy to future generations in political battles and litigation at the highest levels of the United States government; and

WHEREAS the Permanent School Fund has, since 1855, made distributions to Texas schools and has for generations provided for free textbooks and now support for school district technology; and

WHEREAS since 1983, the Permanent School Fund has made possible for local schools, capital facility additions and improvements by the guaranteeing of local bonds; and

WHEREAS through prudent stewardship, the Permanent School Fund has prospered and become the nation’s largest educational endowment; and

WHEREAS given the fund’s unique history and vital importance in the state’s school finance system, the State Board of Education deemed it most appropriate for the Permanent School Fund to have its own distinct brand identity; and

WHEREAS the State Board of Education looked to the state’s students to create suitable artwork to represent the Fund and initiated the “Brand the Fund” student art competition; and

WHEREAS the State Board of Education also sought the services of a facilitating graphic artist to coordinate the selection process, offer professional input and render the final design; and

WHEREAS Laurie Wiegat of College Station-based Wiegat Graphics graciously offered her services as a volunteer, providing technical assistance in drafting rules and selection criteria, identifying and engaging industry professionals to serve on the judging panel, coordinating selection committee conference calls and making final edits to the winning designs; and

WHEREAS Tyler Wiegat of the same firm graciously lent to the process his programming skills in the development of an online platform through which judging panelists could quickly and easily review 521 entries submitted from across the state and to make and submit their selections to be considered by the full panel; and

WHEREAS this first-ever student competition launched and executed by the State Board of Education could not have been operated as seamlessly and effectively without the selfless service of these two Texans; now be it hereby

RESOLVED, that the State Board of Education offers to Laurie and Tyler Wiegat its deepest appreciation for their selfless volunteer service to the students, teachers and leaders of the public free schools of the State of Texas in helping to engage Texas students and teachers in this branding project, facilitating a successful selection process and producing a design product commensurate in excellence with the stature of America’s greatest educational endowment; and be it further

RESOLVED, that a copy of this resolution be provided to Laurie and Tyler Wiegat of Wiegat Graphics of College Station and be forever recorded in the permanent records of the State Board of Education.

WITNESS our signatures this first day of February, two thousand and nineteen, in Austin, Texas.

Donna Bahorich, Chair

Georgina C. Pérez, Secretary

This page has been intentionally left blank.

RESOLUTION

WHEREAS February 1-28, 2019, has been designated National Career and Technical Education Month; and

WHEREAS about 1.4 million Texas secondary students are enrolled in one or more career and technical education (CTE) courses in 1,200 school districts and charter schools throughout the State; and

WHEREAS career and technical education has offered students the opportunity for more than a century to gain the academic, technical and employability skills necessary for true career readiness; and

WHEREAS students in career and technical education programs participate in authentic, meaningful experiences which improve the quality of their education by offering opportunities to apply academic knowledge and skills from across the curriculum; and

WHEREAS career and technical education is a vital and integral part of the Foundation High School Program, offering students pathways to earn recognized endorsements, performance acknowledgements and industry validated credentials; and

WHEREAS the state's nine career and technical student organizations, BPA, DECA, Educators Rising (Texas Association of Future Educators), FBLA, FCCLA, FFA, HOSA, SkillsUSA, and TSA instill in their members the values, knowledge and skills to be patriotic citizens prepared to fully engage as effective leaders in the formidable and noble task of self-government in our constitutional republic; and

WHEREAS career and technical education provides students with career exploration opportunities early in their educational experience, which enables them to make informed and beneficial decisions about their academic coursework as well as pursuit of established programs of study and career pathways; and

WHEREAS leaders from business and industry nationwide report increasing challenges related to the skills gap and connecting qualified professionals with available careers in critical and growing CTE-related fields; and

WHEREAS career and technical education prepares students fulfilling careers by offering integrated programs of study that link secondary and postsecondary education and significantly contributes to college readiness; and

WHEREAS ensuring that employers have access to a qualified workforce is a crucial step in ensuring productivity among the business and industry communities as well as continued American economic growth and global competitiveness; now, therefore, be it

RESOLVED, That the State Board of Education, which has been designated by the Texas Legislature as the State Board for Career and Technical Education, does hereby proclaim February 1-28, 2019 as Career and Technical Education Month in Texas, and does hereby urge all Texans to become familiar with the outstanding curriculum delivered by exceptional career and technical education teachers in communities across the state, and to support and participate in these programs to enhance individual skills and productivity.

WITNESS our signatures this first day of February, two thousand and nineteen, in Austin, Texas.

Donna Bahorich, Chair

Georgina C. Pérez, Secretary

This page has been intentionally left blank.



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



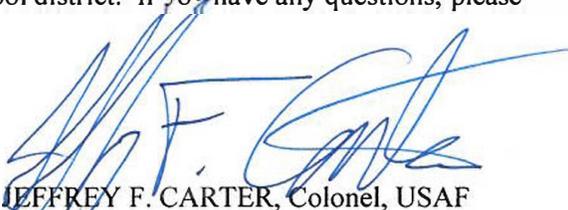
3 Dec 18

MEMORANDUM FOR MR. MIKE MORATH
COMMISSIONER, TEXAS EDUCATION AGENCY
1701 NORTH CONGRESS AVENUE
AUSTIN, TX 78701

FROM: 502 SFG/CC
1 Washington Circle, Suite 2
JBSA-Randolph, TX 78150-4560

SUBJECT: Appointment to the Randolph Field Independent School District (RFISD) Board of Trustees

1. I respectfully request the appointment of Lt Col Peter Duffy to the RFISD Board of Trustees. Attached is his resume, as required by Texas Administrative Code Section 61.2a(1), along with a signed statement expressing his willingness to accept the appointment and serve in full adherence to the established state standards for school board members.
2. The remaining nominees, in order of preference are, Ms. Lavonna Connell and Mr. Marvin Strange.
3. All nominees are qualified under the general school laws of Texas and either live or work on JBSA-Randolph. Each nominee is well qualified and the appointment of any one of them would be in full compliance with the provisions of the Texas Education Code 11.352. Every avenue was used to reach the widest possible applicant pool. The membership composition of the board of trustees is in compliance with the provisions of Texas Code 11.28.
4. I recognize the power of the Board of Trustees to govern and manage the operations of the RFISD and recognize that my role as the commanding officer of JBSA-Randolph is limited only to the duty defined by statute in the process for appointing the Board of Trustees.
5. Thank you and your staff for your support of our school district. If you have any questions, please contact my POC, Ms. Angela Green at (210) 652-5321.


 JEFFREY F. CARTER, Colonel, USAF
 Commander, 502d Security Forces Group

4 Attachments:

1. Board Package for Lt Col Peter Duffy, Aug 18
2. Board Package for Ms. Lavonna Connell, Sep 18
3. Board Package for Mr. Marvin Strange, Oct 18
4. Background on Solicitation and Selection Process



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Peter J. Duffy

Residential Address: 11904 Trail Hollow
Schertz, TX 78154

Physical Address of Employer: 1 Washington Circle Ste 1, JBSA-Randolph TX 78150

Board of Trustees Location Applying For: Randolph Field ISD

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

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

DUFFY.PETER.J.1139
526879

Digitally signed by
DUFFY.PETER.J.1139526879
Date: 2018.08.29 11:53:17 -05'00'

Signature of Applicant

Peter J. Duffy

Printed Name of Applicant

29 Aug 2018

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.***

RFISD SCHOOL BOARD TRUSTEE APPLICATION

1. Personal Data

- a. Name/rank: **Peter J. Duffy/Lt Col O-5**
- b. Address: **11904 Trail Hollow, Schertz, TX 78154**
- c. Phone: **Work (210) 652-3704; Cell (662) 352-4328**
- d. If military, date assigned to Randolph AFB: **Mar 2016-Present. TAFMSD: 18 years**
- e. Qualification: **Military active duty: Lt Col/Date: 1 Sep 15-Current 12 FTW/DS.**
- f. Children in RFISD: **Since Mar 16 my son, Aiden Duffy, has been enrolled in RFISD and is currently a 6th grade middle-schooler at RMS. He was active in Spanish club and Heart foundation. Since Aug 17-present my youngest daughter, Emma Duffy, has been enrolled in RES and is currently a 1st grader.**

2. Status

- a. Education: **Bachelors of Science in Geography; Masters of Political Science and International Relations; Masters of Military Art/Operational Science**
- b. Professional or personal experience that would be an asset to you as a school board trustee:

I am a Randolph High School graduate, class of '95. I attended RES, RMS, and RHS, so am well versed in the outstanding education RFISD provides. I was a student council member as a student as well as a multi-sport athlete including football, baseball, basketball, and tennis. I was humbled and privileged to have been inducted into the Ro-Hawk Hall of Fame. Twenty-one years after graduating and leaving for college, fate brought me back to Randolph AFB as part of my military career. I knew from the instant I was notified of the assignment that I wanted my kids to go to school there so they would be afforded all the wonderful opportunities I was lucky enough to have had. The opportunity to help ensure Randolph stays at the pinnacle of education is my motivation to apply for School Board membership.

In my career experiences, I have been the director in charge of operations for a fighter squadron consisting of over 50 members as well as 50+ aircraft. I have had to work under pressure flying in combat operations in Operations Iraqi Freedom and Operation Enduring Freedom. I was a liaison embedded with the US Embassy to a Gulf Partner nation during the most recent Operation Inherent Resolve helping to fight against ISIS. I currently serve as the 12th Flying Training Wing Director of Staff and directly supervise over 20 personnel as well as oversee the day to day activities and requirement of a Wing consisting of over 1500 personnel, spanning across four different geographic locations from Colorado to Florida.

As an alumni, I enjoy taking my family to Ro-Hawk events when the opportunity presents itself. My family and I attend First Baptist Church Universal City where we

actively participate in a Life Group class. Much of my life has revolved around RFISD and RAFB both personally and professionally and believe I could be a beneficial member to the team if selected to be a School Board Trustee of RFISD.

3. Supervisor/reference:

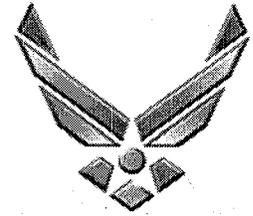
a. Name/rank: **Mark S. Robinson, Col**

b. Address: **1 Washington Circle Ste 1
JBSA-Randolph TX 78150**

c. Phone: **(210) 652-1201**

4. Why do you want to serve as a school board member? **To continue to help make RFISD the best possible district it can be. Quality education for the children is the driving motivational factor for all of this. Over the years RFISD has set a very high educational and moral standard. I want to help continue this noble tradition. Our children have been in five different school districts in three states. With the experiences I've gained with the Air Force and the different schools our children have encountered, I feel I can bring a wide variety of experience and knowledge to the table. We live behind the base. This is our home and as such I will be a stable member. I attended the school in the 1990s with positive results and I believe I can do the same if I'm selected to be a school board member of RFISD.**

5. **My Biography is attached for the 502d Security and Readiness Group Commander.**



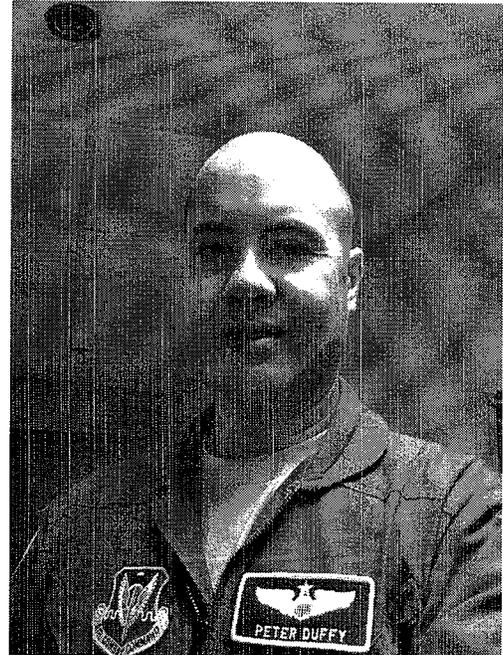
BIOGRAPHY

UNITED STATES AIR FORCE

LIEUTENANT COLONEL PETER J. DUFFY

Lt Col Peter J. Duffy is the Director of Staff, 12th Flying Training Wing, Joint Base San Antonio-Randolph. The 12th FTW is the Source of America's Airpower, delivering unrivaled airpower leaders for the future of the U.S. Air Force. The wing consists of three flying groups and a maintenance directorate spanning more than 1,400 miles from JBSA-Randolph, Texas, Naval Air Station Pensacola, Florida and to the U.S. Air Force Academy, Colorado.

The 12 FTW is responsible for four single-source aviation pipelines – Pilot Instructor Training, Combat Systems Officer Training, Remotely Piloted Aircraft Pilot Indoctrination, and Basic Sensor Operator Qualification. The wing manages all airmanship programs for U.S. Air Force Academy cadets, and Introductory Flight Training for all Air Force officers scheduled to enter pilot, combat systems officer, or remotely piloted aircraft training. The wing also hosts an Introduction to Fighter Fundamentals program and conducts Electronic Warfare Training for the U.S. Air Force and multi-national forces.



Lt Col Duffy entered the Air Force in May 2000 as a ROTC graduate from Arizona State University. He has been assigned to numerous operational and training positions in the T-38, F-15E and F-15C. He has served as the 435th IFF Director of Operations and Air Superiority staff officer. Lt Col Duffy is a senior pilot with more than 2,000 flying hours and has flown combat missions in support of Operations Iraqi Freedom and Enduring Freedom.

EDUCATION

2000 Bachelor of Science degree, Arizona State University, Tempe, Ariz.

2006 Squadron Officer School, Maxwell AFB, Ala.

2007 Aviation Safety Program Management Course, Kirtland AFB, N.M.

2008 Masters of Political Science and International Relations, Oklahoma University, Okla.

2013 Masters of Military Art/Operational Science, Air Command and Staff College, Maxwell AFB, Ala.

2016 Air War College (Correspondence), Maxwell AFB, Ala.

ASSIGNMENTS

1. July 2000 – January 2002, student, undergraduate navigator training, NAS Pensacola, Florida.
2. February 2002 – October 2002, student, F-15E FTU, Seymour Johnson AFB, NC.
3. November 2002 – July 2004, F-15E WSO, msn planning officer, Lakenheath AB, UK.
4. August 2004 – November 2005, student, undergraduate pilot training, Columbus AFB, Miss.
5. December 2005 – April 2006, student, F-15C FTU, Tyndall AFB, Florida
6. May 2006 – February 2009, F-15C acft cc, Chief of Sqdn Safety, Flight Commander, Eglin AFB, Florida.
7. March 2009 – July 2012, T-38 IFF evaluator/instructor, stan/eval branch chief, flight commander, chief of scheduling, Sheppard AFB, Texas.
8. July 2012 – June 2013, student, Air Command and Staff College, Maxwell AFB, Ala.

9. July 2013 – October 2014, Chief Programmer, Air Superiority Core Function Team, Air Combat Command, JB Langley-Eustis, Va.
10. November 2014 – December 2015, Kuwait Senior Duty Officer, AFCENT, Kuwait City, Kuwait.
11. January 2016 – February 2016, Chief Programmer, Air Superiority Core Function Team, Air Combat Command, JB Langley-Eustis, Va.
12. March 2016 – present, T-38 IFF Evaluator/Instructor, wing director of staff, Director of Operations 435th FTS, JB San Antonio-Randolph, Texas

FLIGHT INFORMATION

Rating: Senior pilot

Flight hours: more than 2,000

Aircraft flown: F-15C, F-15E, T-38, and T-37

MAJOR AWARDS AND DECORATIONS

Meritorious Service Medal with two oak leaf cluster

Air Medal

Air Force Commendation Medal

Army Commendation Medal

Air Force Achievement Medal

AF Outstanding Unit Award with Valor Device and two oak leaf clusters

Combat Readiness Medal with oak leaf cluster

National Defense Service Medal

Global War On Terrorism Expeditionary Medal

Global War On Terrorism Service Medal

Nuclear Deterrence Operations Service Medal with oak leaf cluster

EFFECTIVE DATES OF PROMOTION

Second Lieutenant June 10, 2000

First Lieutenant June 10, 2002

Captain June 10, 2004

Major May 1, 2010

Lieutenant Colonel September 1, 2015

(Current as of May 2018)

Minutes

State Board of Education Committees

January 29-31, 2019

**Report of the State Board of Education
Committee of the Full Board
January 29, 2019**

The State Board of Education Committee of the Full Board met at 9:11 a.m. on Tuesday, January 29, 2019, 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: Donna Bahorich, chair; Lawrence A. Allen, Jr.; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Keven Ellis; Pat Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley, vice chair

Public Testimony

The Committee of the Full Board heard public testimony on agenda items #2 and #3. Information regarding the individuals who presented public testimony is included in the discussion of that item.

DISCUSSION ITEM

1. Commissioner's Comments
(Board agenda page I-1)

Commissioner of Education Mike Morath provided the State Board of Education (SBOE) with an overview of the 2018 TEA Annual Report. Commissioner Morath also provided an overview of TEKS Guides, a new resource that will provide comprehensive explanations of the Texas Essential Knowledge and Skills (TEKS) by student expectation. He explained that the TEKS Guides will be available beginning in 2019 to support implementation of the revised reading language arts standards. He also explained steps the agency has taken to ensure the state assessments are appropriately aligned to the TEKS adopted by the SBOE. Commissioner Morath concluded with an update on recent adjustments that have been made to the agency organizational structure.

ACTION ITEMS

2. Consideration of Petition for Amendment of Rule Concerning 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program
(Board agenda page I-2)
[Official agenda item #3]

Public testimony was provided by the following individuals:

NAME: Frank Rivera
AFFILIATION: Self

NAME: Colin Malinak
AFFILIATION: Texas Speech Communication Association

NAME: Joseph Uhler
AFFILIATION: Texas Forensic Association

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Ms. Perez-Diaz, and carried unanimously to recommend that the State Board of Education deny the petition to amend 19 TAC §74.12, Foundation High School Program, concerning fine arts courses eligible for graduation requirements because Debate I, II, and III; Oral Interpretation I, II, and III; and Public Speaking I, II, and III are not aligned with knowledge and skills in fine arts courses.*

3. **Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements (First Reading and Filing Authorization)**

(Board agenda page I-6)

[Official agenda item #4]

Public testimony was provided by the following individual:

NAME: Jeanette LaFevers
AFFILIATION: International Baccalaureate (IB) Organization

Monica Martinez, associate commissioner for standards and support services, explained that the proposal adds IB film courses as options for satisfying the fine arts graduation requirement. Shelly Ramos, senior director, curriculum standards and student support, explained that the cybersecurity TEKS committee adjusted its previous recommendations for courses to be included in a cybersecurity pathway. The SBOE expressed support for the cybersecurity TEKS committee to make additional recommendations for amendments to the Digital Forensics course to be presented at a future meeting.

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mr. Rowley, and carried unanimously to recommend that the State Board of Education amend §74.13(f)(1)(E) to read as follows:*

a coherent sequence of four courses in cybersecurity to consist of Foundations ~~Fundamentals~~ in Cybersecurity and Cybersecurity Capstone and two additional courses to be selected from the following:

- (i) AP Computer Science A ~~Fundamentals of Computer Science~~; or
- (ii) Computer Science I; or
- (iii) AP Computer Science Principles; or
- (iv) Digital Forensics; or
- (v) Computer Maintenance; or
- (vi) Internetworking Technologies I; or
- (vii) Internetworking Technologies II; or
- (viii) Networking

The Committee of the Full Board recessed for lunch at 12:10 p.m.

The Committee of the Full Board reconvened at 1:17 p.m.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Ms. Pérez, and carried unanimously to recommend that the State Board of Education approve for first reading and filing authorization proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements, as amended by the Committee of the Full Board.*

(Mr. Allen, Mr. Cortez, and Ms. Davis were absent for the vote.)

4. Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.51, Principles of Cybersecurity (One Credit), and §126.52, Cybersecurity (One Credit) (First Reading and Filing Authorization)

(Board agenda page I-17)

[Official agenda item #5]

Ms. Ramos explained that, based on stakeholder input, the cybersecurity TEKS committee made minor changes to the proposed TEKS for two new cybersecurity courses that were provided to the SBOE at the November 2018 meeting.

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Perez-Diaz, and carried unanimously to recommend that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter C, High School, §126.51, Foundations of Cybersecurity (One Credit), and §126.52, Cybersecurity Capstone (One Credit).*

(Mr. Cortez was absent for the vote.)

5. Action on Renewal of Texas Certificate of High School Equivalency Contracts

(Board agenda page I-21)

[Official agenda item #6]

Ms. Martinez provided an update regarding the extension of existing contracts for Texas Certificate of High School Equivalency exams. GED Testing Service did not request changes to its contract and has signed the renewal. Data Recognition Corporation has notified TEA that they do not wish to renew their contract, and the contract will expire on August 31, 2019.

Educational Testing Service, which offers a paper-based exam option, would like to renew its contract with amendments to increase pricing for certain tests and services as shown in the Attachment.

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Mr. Cortez, and carried to recommend that the State Board of Education approve the contract renewal for GED Testing Service and the amended contract renewal for Educational Testing Service.*

DISCUSSION ITEMS

6. Update on Texas Essential Knowledge and Skills (TEKS) Review
(Board agenda page I-23)

Ms. Martinez explained that the English Language Proficiency Standards (ELPS) will be reviewed using the Texas Essential Knowledge and Skills (TEKS) review process established by the board. Ms. Martinez also provided an update regarding preliminary steps the agency has taken related to the review and revision of the ELPS.

7. Discussion of Perkins Reauthorization and Transition Plan
(Board agenda page I-25)

Heather Justice, division director, college, career, and military preparation, provided an overview of work related to the State four-year plan required by the federal *Strengthening Career and Technical Education for the 21st Century Act* (Perkins V Act). Ms. Justice explained that the agency received approval from the governor to submit one-year transition plan. She shared a proposed timeline for approval of the Perkins Transition Plan for 2019-2020 and implementation of the full Perkins State four-year plan in 2020-2021.

8. Texas Commission on Public School Finance Update
(Board agenda page I-26)

Dr. Ellis presented an overview of the findings and recommendations included in the final report by the Texas Commission on Public School Finance.

CONSENT ITEM

9. Procedural Action Related to New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.50 Ethnic Studies: Mexican American Studies (One Credit) (First Reading and Filing Authorization)
(Board agenda page I-27)
[Consent agenda item #(1)]

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 proposed new 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.50, Ethnic Studies: Mexican American Studies (One Credit), as approved by the SBOE in September 2018, with an effective date of July 1, 2019.*

DISCUSSION ITEM

10. Discussion of Pending Litigation

(Board agenda page I-35)

Von Byer, general counsel, legal services provided an update on the following case:

La Feria ISD, Joaquin ISD v. Mike Morath, Commissioner of Education; Texas Education Agency; and Texas State Board of Education, in the 261st Judicial District Court of Texas;
Docket No. D-1-GN-17-001385

Mr. Byer explained that on review by the Third Court of Appeals it was determined that the plaintiffs lacked standing and pending no further appeals, this case will likely be removed from the list of pending litigation.

Mrs. Bahorich adjourned the meeting at 3:10 p.m.

ATTACHMENT

Test Fees per Battery

	GED test	TASC test	HiSET exam (Current)	HiSET exam (Proposed - effective 9/1/2019)
Vendor Fee	\$80.00	\$61.00	CBT \$53.75	CBT \$53.75
			PBT \$60.00	PBT \$75.00
State Administrative Fee	\$25.00	\$25.00	\$25.00	\$25.00
Test Center Fee *	\$40.00	\$45.00	\$50.00	\$50.00
Total Fee per Battery	\$145.00	\$131.00	CBT \$128.75	CBT \$128.75
			PBT \$135.00	PBT \$150.00

*Test Center may charge additional fees

Test Fees per Subject

	GED test	TASC test	HiSET exam (Current)	HiSET exam (Proposed - effective 9/1/2019)
	(4 tests in battery)	(5 tests in battery)	(5 tests in battery)	(5 tests in battery)
Individual Test Fee	\$20.00	\$12.20	CBT \$10.75	CBT \$10.75
			PBT \$12.00	PBT \$15.00
State Administrative Fee	\$6.25	\$5.00	\$5.00	\$5.00
Test Center Fee *	\$10.00	\$9.00	\$10.00	\$10.00
Total per subject	\$36.25	\$26.20	CBT \$25.75	CBT \$25.75
			PBT \$27.00	PBT \$30.00

*Test Center may charge additional fees

Practice Tests

	GED test	TASC test	HiSET exam (Current)	HiSET exam (Proposed - effective 9/1/2019)
Paper-based Practice Test	Not applicable	\$15.00 Total	\$10.00 each subject, \$50.00 Total	No Change
Computer-based Practice Test	\$6.00 each subject, \$24.00 Total	\$3.00 each subject, \$15.00 Total	\$2.00 each subject, \$10.00 Total	No Change

Optional Services

ATTACHMENT

	GED test	TASC test	HiSET exam (Current)	HiSET exam (Proposed - effective 9/1/2019)
Telephone Registration	free	Service not available	free	(one-time fee) \$10.00
Score Verification (re-score)	\$50.00 to rescore extended response	Unable to verify	free	\$25.00 to rescore essay or paper-based tests
Reschedule Fee	free up until 24 hours before test time, then considered no-show	Unable to verify	free	1st time free, then \$10.00 (up until 11:59 pm prior to test date – then considered no-show)

**Report of the State Board of Education
Committee on the Full Board
WORK SESSION
January 30, 2019**

The State Board of Education Committee of the Full Board met at 8:30 a.m. on Wednesday, January 30, 2019, at the Austin Convention Center, Ballroom D and Exhibit Hall 5, 500 E. Cesar Chavez Street, Austin, Texas. Attendance was noted as follows:

Present: Donna Bahorich, chair; Lawrence A. Allen, Jr.; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Keven Ellis; Pat Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez, secretary; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley, vice chair

Public Testimony

Work session and ad hoc committee meetings are exempt from oral public testimony.

DISCUSSION ITEM

1. Learning Roundtable: Building a Stronger Texas Work Session
(Board agenda page I- 28)

Board members hosted and attended a one-day conference called Learning Roundtable: Building a Stronger Texas January 30 at the Austin Convention Center to hear presentations on three topics included in the *Long-Range Plan for Public Education*. Those topics were equity and access; student engagement and empowerment; and family engagement and empowerment.

Mrs. Bahorich adjourned the meeting at 3:56 p.m.

**Report of the State Board of Education
Committee on Instruction
January 31, 2019**

The State Board of Education Committee on Instruction met at 9:07 a.m. on Thursday, January 31, 2019, 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; Pam Little vice-chair; Aicha Davis; Georgina C. Pérez; Marty Rowley

Public Testimony

The Committee on Instruction received no presentations of public testimony.

ACTION ITEMS

1. Election of Chair
(Board agenda page II-1)

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mrs. Little, and carried unanimously to elect Mrs. Melton-Malone as chair of the Committee on Instruction.*

(Ms. Pérez was absent for the vote.)

Mrs. Melton-Malone appointed Mrs. Little to serve as vice chair.

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-2)
[Official agenda item #7]

Shelly Ramos, senior director, curriculum standards and student support, explained that the proposed amendment would add the five chapters of the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders* as a figure in the rule.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education, by an affirmative vote of two-thirds of the members of the board, 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, with an effective date of 20 days after filing as adopted with the Texas Register.*

(Ms. Pérez was absent for the vote.)

3. **Proposed New 19 TAC Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, Adopted 2013, §117.327, International Baccalaureate (IB) Film Standard Level (Two Credits), and §117.328, International Baccalaureate (IB) Film Higher Level (Two Credits)**

(Second Reading and Final Adoption)

(Board agenda page II-7)

[Official agenda item #8]

Ms. Ramos explained that the proposal would add two currently approved innovative courses, International Baccalaureate (IB) Film Standard Level, and IB Film Higher Level, to the Texas Essential Knowledge and Skills for fine arts.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Ms. Davis, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School, Adopted 2013, §117.327, International Baccalaureate (IB) Film Standard Level (Two Credits), and §117.328, International Baccalaureate (IB) Film Higher Level (Two Credits), with an effective date of August 26, 2019.*

4. **Proposed Approval of Innovative Courses**

(Board agenda page II-12)

[Official agenda item #9]

Ms. Ramos explained that this item recommended renewal and extension of two currently approved innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum: a one-year extension of Advancement Via Individual Development (AVID) I-IV and a three-year renewal of Navigating Life with Hearing Loss.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mr. Rowley, and carried unanimously to recommend that the State Board of Education approve the innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum as follows: a one-year extension for AVID I-IV and a three-year renewal for Navigating Life with Hearing Loss.*

DISCUSSION ITEMS

5. **Discussion of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment**

(Board agenda page II-15)

Ms. Ramos explained that staff was working to update charts reflecting the alignment of the College and Career Readiness Standards (CCRS) and the Texas Essential Knowledge and Skills (TEKS) to add a new alignment chart for English language arts and to reflect changes resulting from recent updates to the English language arts and mathematics CCRS. Ms. Ramos further explained that this item would be presented to the board for first reading and filing authorization at the April meeting.

6. Discussion of Proposed Amendment to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter C, High School, §114.53, Advanced Language for Career Applications (One Credit)
(Board agenda page II-18)

Ms. Ramos explained that staff had identified a conflict in the board's administrative rules between the general requirements for the Advanced Language for Career Applications course and the requirements for endorsements. The committee requested that staff include an item on the April agenda to adjust the general requirements for the course.

The meeting of the Committee on Instruction adjourned at 9:50 a.m.

**Report of the State Board of Education
Committee on School Finance/Permanent School Fund
January 31, 2019**

(School Finance Items)

The State Board of Education Committee on School Finance/Permanent School Fund met at 9:03 a.m. on Thursday, January 31, 2019, 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; Lawrence A. Allen, Jr., vice chair; Donna Bahorich; Patricia Hardy; Ken Mercer

Public Testimony

The Committee on School Finance/Permanent School Fund received no presentations of public testimony.

ACTION ITEM

- 1. Election of Chair**
(Board agenda page III-1)

MOTION AND VOTE: *It was moved by Ms. Hardy and carried unanimously to elect Mr. Maynard as chair of the Committee on School Finance/Permanent School Fund.*

Mr. Maynard appointed Mr. Allen to serve as vice chair.

DISCUSSION ITEMS

- 2. Review of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting**
(Board agenda page III-2)

David Marx, director, financial compliance, explained that the rules in these subchapters must be reviewed once every four years per Texas Government Code, §2001.039. There are no anticipated revisions to the rules in 19 TAC Chapter 129, Subchapters A and B.

3. **Discussion of Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide**

(Board agenda page III-7)

The committee discussed a proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide. The proposed amendment would reference the updated *Financial Accountability System Resource Guide* (FASRG) and remove language relating to the commissioner's role in amending the FASRG.

Mr. Marx presented the item and answered questions about the proposed amendment. Von Byer, general counsel, legal services, clarified the rule language in the proposed amendment.

**Report of the State Board of Education
Committee on School Finance/Permanent School Fund
January 31, 2019**

(Permanent School Fund Items)

The State Board of Education Committee on School Finance/Permanent School Fund met at 9:04 a.m. on Thursday, January 31, 2019, 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; Lawrence A. Allen, Jr., vice-chair; Donna Bahorich; Patricia Hardy; Ken Mercer

Public Testimony

The Committee on School Finance/Permanent School Fund received no presentations of public testimony.

DISCUSSION ITEM

4. Review of Permanent School Fund Securities Transactions and the Investment Portfolio
(Board agenda page III-2)

Catherine Civileto, deputy executive administrator, provided a summary on the status of the Permanent School Fund portfolio. Reports presented to the committee were for the reporting period October and November 2018 unless otherwise noted. Ms. Civileto's report included current fair market value of the Fund, the asset allocation mix as of November 30, 2018, PSF transactions occurring in the reporting period, revenues and expenditures for the fiscal period beginning September 1 through November 30, 2018, the activity in the securities lending program for the fiscal period beginning September 1 through November 30, 2018, the status of transfers from the General Land Office as per the agreed upon resolution for the current fiscal year, current status of the Bond Guarantee Program and the available capacity in the program, broker commissions on both the internal and external equity portfolios for the period beginning January 1, 2018 through November 30, 2018, fixed income rating changes for the fiscal period beginning September 1, 2018 through November 30, 2018, and short-term cash investments.

CONSENT ITEM

5. Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of October and November 2018

(Board agenda page III-7)
[Consent agenda item #(2)]

MOTION AND VOTE: *Based on the information provided by staff and the recommendation of the executive administrator and chief investment officer and the commissioner of education, the committee by unanimous consent recommended that the State Board of Education ratify the purchases and sales for the months of October and November 2018, in the amount of \$869,799,322 and \$874,849,738, respectively (Attachment A).*

DISCUSSION ITEMS

6. Annual Reporting of the Internally Managed Permanent School Fund Investment Portfolio (Board agenda page III-13)

Holland Timmins, executive administrator and chief investment officer, provided the required attestation regarding compliance with 19 TAC Chapter 33 of the internally managed investment portfolios in the matters of permissible and restricted investments, trading and brokerage policy, and proxy voting policy.

7. Third Quarter 2018 Permanent School Fund Performance Report (Board agenda page III-14)

Tom Heiner, BNY Mellon Global and Risk Solutions, presented the third quarter of 2018 Permanent School Fund performance report. Mr. Heiner announced that he was leaving BNY Mellon and that this was his last formal presentation to the committee. Mr. Heiner began with an overview of the U.S. and foreign capital markets. Mr. Heiner then reviewed the performance of the Fund for the third quarter of 2018. He stated that the PSF returned 1.99% for the fourth quarter underperforming the target benchmark by 12 basis points. Mr. Heiner attributed most of the underperformance to Risk Parity.

Mr. Heiner reviewed third quarter 2018 performance of the Permanent School Fund by asset class, stating that the total domestic large cap equity composite exceeded its benchmark for the quarter by six basis points. Mr. Heiner added that the Small/Midcap Equity portfolio outperformed its benchmark by five basis points. He added that international equities returned 0.58% for the quarter, outperforming its benchmark by 19 basis points during the period. The fixed income portfolio returned 0.19% for quarter, outperforming its benchmark by 17 basis points. Mr. Heiner stated that the Absolute Return composite returned 1.19% for the quarter, beating its benchmark, the HFRI Fund of Funds Composite Index, by 80 basis points. Mr. Heiner added that the Real Estate composite returned 1.96% for the quarter, outperforming its benchmark by 65 basis points. Mr. Heiner added that Total Risk Parity Strategies returned 0.03% in the third quarter of 2018, underperforming its benchmark by 456 basis points. He further stated that the Real Return Asset class returned -1.32% for the quarter, outperforming its benchmark by eight basis points. He added that Emerging Market Debt returned -2.36% for the quarter, underperforming its benchmark by 53 basis points. Mr. Heiner stated that private equity returned 3.63% for the quarter, beating its benchmark by 39 basis points. Finally, he stated that the total emerging market equity composite returned -0.97% for the third quarter 2018, outperforming its benchmark by 12 basis points.

CONSENT ITEMS

8. Proposed Amendments to the Investment Procedures Manual (Board agenda page III-15) [Consent agenda item #(3)]

Mr. Timmins provided an overview of the amendments made to the investment procedures manual related to SEC amended rule changes for the Bond Guarantee Program disclosure (SEC Rule 15c2-12).

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education approve the amendments to the Investment Procedures Manual as presented by staff.*

9. Decision on Real Estate Investments

(Board agenda page III-16)

[Consent agenda item #(4)]

The PSF real estate consultant, Courtland Partners of Stepstone Group Real Estate, was represented by Tom Hester, managing director, and Andrew Mitro, principal, joined by John Grubenman, director of private markets, Nick Tramontana and Ali Houshmand, portfolio managers. Mr. Grubenman provided a brief introduction of four real estate investment recommendations.

Mr. Mitro introduced a real estate investment recommendation in Blackstone Real Estate Partners IX L.P., offered by Blackstone Real Estate Advisors IX L.P. Mr. Mitro and Mr. Grubenman described the due diligence process conducted by both Courtland and PSF staff, provided a brief overview including its objectives and strategy, and outlined the merits and considerations.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education approve execution of agreement(s) with Blackstone Real Estate Advisors IX L.P., necessary to make an investment commitment of up to \$75 million in Blackstone Real Estate Partners IX L.P. subject to continued due diligence and negotiation of fund terms, and authorization for contract execution by the Commissioner of Education.*

Mr. Mitro introduced a real estate investment recommendation in KKR Asia Real Estate Partners SCSp offered by KKR Associates RE Asia SCSp. Mr. Mitro and Mr. Grubenman described the due diligence process conducted by both Courtland and PSF staff, provided a brief overview including its objectives and strategy, and outlined the merits and considerations.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education approve execution of agreement(s) with KKR Associates RE Asia SCSp necessary to make an investment commitment of up to \$75 million in KKR Asia Real Estate Partners SCSp, subject to continued due diligence and negotiation of fund terms, and authorization for contract execution by the Commissioner of Education.*

Mr. Hester introduced a real estate investment recommendation in PAG Special Situations Fund III L.P., offered by PAG Special Situations GP III Limited. Mr. Hester and Mr. Grubenman described the due diligence process conducted by both Courtland and PSF staff, provided a brief overview including its objectives and strategy, and outlined the merits and considerations.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education approve execution of agreement(s) with PAG Special Situations GP III Limited. necessary to make an investment commitment of up to \$75 million in PAG Special Situations Fund III L.P., subject to continued due diligence and negotiation of fund terms, and authorization for contract execution by the Commissioner of Education.*

Mr. Hester introduced a real estate investment recommendation in Rockpoint Real Estate Fund VI, L.P., offered by Rockpoint Real Estate Fund VI GP, L.L.C. Mr. Hester and Mr. Grubenman described the due diligence process conducted by both Courtland and PSF staff, provided a brief overview including its objectives and strategy, and outlined the merits and considerations.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education approve execution of agreement(s) with Rockpoint Real Estate Fund VI GP, L.L.C. necessary to make an investment commitment of up to \$75 million in Rockpoint Real Estate Fund VI, L.P., subject to continued due diligence and negotiation of fund terms, and authorization for contract execution by the Commissioner of Education.*

DISCUSSION ITEMS

10. Presentation on the Risk Parity Asset Class for the Permanent School Fund (Board agenda page III-18)

Rhett Humphreys, partner, NEPC, gave a presentation on the externally managed risk parity strategy. The presentation provided an overview of the strategy including a discussion on benchmarking, managers and the strategy's forward-looking outlook. Mr. Timmins called on Carlos Castro, director of global risk control strategies, to give a presentation on the risk parity strategy. The presentation provided a review of the strategy, a discussion on manager implementation processes, allocation policies, and performance of the strategy since inception.

11. Report of the Permanent School Fund Executive Administrator and Chief Investment Officer (Board agenda page III-19)

Mr. Timmins provided an update on the Charter District Reserve Fund. He reported that at this time no legislation has been filed related to the PSF. Mr. Timmins also noted that the agency received an attorney general opinion on whether and to what extent the Permanent School Fund should be classified as nonspendable in annual financial reporting.

The meeting of the Committee on School Finance/Permanent School Fund adjourned at 12:21 p.m.

**TEXAS PERMANENT SCHOOL FUND
SUMMARY OF TRANSACTIONS FOR APPROVAL
(Including External Manager's Trades)
For October 1, 2018 through November 30, 2018**

Purchases/Capital Calls:

Long Term Fixed Income	\$ 166,283,338
Public Market Equities	236,139,190
Alternative Investments	<u>467,376,794</u>
 TOTAL	 <u><u>\$ 869,799,322</u></u>

Sales/Distributions:

Long Term Fixed Income	\$ 110,259,439
Public Market Equities	459,492,395
Alternative Investments	<u>305,097,904</u>
 TOTAL	 <u><u>\$ 874,849,738</u></u>

General Land Office Contributions:

FY 2018 Cumulative November 2017	FY 2019 Cumulative November 2018
\$58,750,000	\$63,750,000

Based on the above information provided by staff including a report that deposits to the Permanent School Fund from the General Land Office were \$63,750,000 through November 2018 for fiscal year 2019 versus \$58,750,000 through November 2017 for fiscal year 2018, and the recommendation of the Executive Administrator and Chief Investment Officer and the Commissioner of Education; it is moved by unanimous consent that the Committee on School Finance/Permanent School Fund ratify for the months of October and November 2018, Permanent School Fund portfolio purchases of \$869,799,322 and sales of \$874,849,738.

**Report of the State Board of Education
Committee on School Initiatives
January 31, 2019**

The State Board of Education Committee on School Initiatives met at 9:03 a.m. on Thursday, January 31, 2019, in Room #1-111 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Barbara Cargill, chair; Marisa B. Perez-Diaz, vice chair; Ruben Cortez, Jr.; Keven Ellis; Matt Robinson

Non-Committee Members Present: Georgina Pérez

Public Testimony

The Committee on School Initiatives heard public testimony on agenda item 2. Information regarding the individuals who presented public testimony is included in the discussion of that item.

ACTION ITEM

1. **Election of Chair**
(Board agenda page IV-1)

MOTION AND VOTE: *It was moved by Dr. Ellis, seconded by Dr. Robinson, and carried unanimously to elect Mrs. Cargill as chair of the Committee on School Initiatives.*

Mrs. Cargill appointed Ms. Perez-Diaz as vice chair.

DISCUSSION ITEM

2. **Open-Enrollment Charter School Generation 24 Application Updates/Generation 25 Draft Application Discussion**
(Board agenda page IV-2)

Public testimony was provided by the following individuals:

NAME: Ellen Williams
AFFILIATION: Texas Association of School Administrators/ Texas Association of School Boards

NAME: Patty Quinzi
AFFILIATION: Texas-American Federation of Texas

NAME: Lisa Dawn-Fisher
AFFILIATION: Texas State Teachers Association

CONSENT ITEM

Heather Mauzé, director, charter school administration, presented information on the Generation Twenty-Four Open-Enrollment Charter Application cycle, its timeline, and next steps in the application process. Ms. Mauzé answered questions regarding the application and accepted input offered by committee members for the draft Generation Twenty-Five Open-Enrollment Charter School Application.

3. Recommendation for Appointment to the Randolph Field Independent School District Board of Trustees

(Board agenda page IV-4)

[Consent agenda item #(5)]

Jeff Cottrill, deputy commissioner of standards and engagement, explained that as the result of an expiring term of an individual who serves on the Randolph Field Independent School District Board, Colonel Jeffrey Carter recommended the reappointment of Lieutenant Colonel Peter Duffy.

MOTION AND VOTE: *It was moved by Dr. Robinson, seconded by Ms. Perez-Diaz, and carried unanimously to recommend that, based on Colonel Jeffrey F. Carter's recommendation, the State Board of Education approve the reappointment of Lieutenant Colonel Peter Duffy to serve a term of office from February 1, 2019, through February 1, 2021, on the Randolph Field Independent School District Board of Trustees.*

ACTION ITEMS

4. Review of Proposed Amendment to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.4, Determination of Accreditation Status

(Board agenda page IV-25)

[Official agenda item #10]

Mark Olofson, director, educator data and program accountability, explained that the proposed amendment to 19 TAC §229.4 would adjust the performance standard for the accountability indicator for principal appraisals, clarify performance standards, and remove outdated provisions.

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Dr. Ellis, and carried unanimously to recommend that the State Board of Education take no action on the proposed amendment to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, §229.4, Determination of Accreditation Status.*

5. **Review of Proposed Revisions to 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter A, General Provisions, and Subchapter D, Secondary School Certificate Standards**

(Board agenda page IV-34)

[Official agenda item #11]

Grace Wu, director, standards, testing, and preparation, explained that the proposed revisions would add the Texas Essential Knowledge and Skills (TEKS)-based certification standards; add reference to the new certification standards for the Trade and Industrial Workforce Training: Grades 6-12 certificate to implement the statutory requirements of House Bill (HB) 3349, 85th Texas Legislature, Regular Session, 2017; and clarify the effective date of Subchapter D.

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Mr. Cortez, and carried unanimously to recommend that the State Board of Education take no action on the proposed revisions to 19 TAC Chapter 235, Classroom Teacher Certification Standards, Subchapter A, General Provisions, and Subchapter D, Secondary School Certificate Standards.*

DISCUSSION ITEM

6. **Review of 19 TAC Chapter 157, Hearings and Appeals, Subchapter A, General Provisions for Hearings Before the State Board of Education, and Subchapter D, Independent Hearing Examiners**

(Board agenda page IV-41)

Christopher Maska, director, division of hearing and appeals, presented information regarding the rule review of 19 TAC Chapter 157, Hearings and Appeals, Subchapter A, General Provisions for Hearings Before the State Board of Education, and Subchapter D, Independent Hearing Examiners. An amendment was suggested for Subchapter D to align it with current statute.

The meeting of the Committee on School Initiatives adjourned at 11:07 a.m.